Supreme Court, U. S.
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MICHAEL RODAK, JR., CLERK

APPENDIX

In the Supreme Court of the United States

OCTOBER TERM, 1978

No. 78-680

RONALD R. HUTCHINSON,
Petitioner,

vs.

WILLIAM PROXMIRE and MORTON SCHWARTZ,
Respondents.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Petition for Certiorari Filed October 20, 1978
Certiorari Granted January 8, 1979

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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

RELEVANT DOCKET ENTRIES

File Number: 76 C 257

Date	*Proceedings*
4/16/76	Complaint.
4/16/76	Issued Summons.
4/29/76	Summons. (Proxmire)
6/11/76	Order that Judge Doyle is disqualifying himself from this action. certified copies mailed.
6/18/76	Designation of District Judge George N. Leighton, N.D. Illinois, for service in another district within circuit. certified copies mailed to counsel.
6/22/76	Complete file forwarded to Clerk, N.D. Illinois, certified mail.
7/6/76	Filed Motion of defendant Proxmire to dismiss or alternatively for Summary Judgment and brief in Support thereof and exhibits attached.
8/2/76	Filed defendants motion to dismiss on behalf of defendant Schwartz and two copies with certificate of service.
8/24/76	Entered order dated August 18, 1976: The defendants motion to transfer and motion to dismiss, or in the alternative, for summary judgment. The plaintiff is granted to and including October 18, 1976 for discovery. Answer to the defendant's motion and the filing of memo in opposition thereto shall be filed on or before

Date	*Proceedings*
	November 18, 1976. Reply thereto shall be filed on or before December 9, 1976. The court will rule on said motions on or before December 23, 1976 DRAFT (see draft for complete details) Leighton, J Notices mailed 8/24/76
8/30/76	Filed Plaintiff's first interrogatories to defendant William Proxmire and two copies.
9/16/76	Filed Plaintiff's demand for trial by jury with certificate of service and two copies.
9/16/76	Filed Defendant Proxmire interrogatories to plaintiff with Certificate of service and two copies.
9/16/76	Filed Defendant Proxmire request for production, inspection and copying of documents to Plaintiff with certificate of service and two copies.
9/27/76	Filed Defendant Proxmire's answers to plaintiff's first interrogatories, with attachment and two copies.
10/5/76	Issued summons and copy with copy of Complaint for service on Morton D. Schwartz.
10/5/76	Filed Plaintiff's request for production, inspection and copying of documents, with certificate of service and two copies.
10/13/76	Issued summons and two copies with two copies of Complaint for service on Morton Schwartz.
10/4/76	Filed Plaintiff's motion for leave of court to file Amended Complaint and two copies.
	Filed Memorandum in support of Plaintiffs motion for leave to file Amended Complaint and two copies with certificate of service.

Date	*Proceedings*
10/8/76	Filed Memorandum in opposition to defendant Schwartz's motion to Dismiss with certificate of Service and two copies.
10/8/76	Filed Defendant Proxmire's opposition to plaintiff's motion for leave to Amend Complaint with certificate of service and one copy.
10/18/76	Filed Plaintiff's answers to defendants' interrogatories to Plaintiff Ronald R. Hutchinson, and two copies.
10/20/76	Filed Response of defendant Proxmire to plaintiff's request for production, inspection and copying of documents, Certificate of Service with attachments 1 and 2 and two copies.
10/20/76	Filed deposition of Howard E. Shuman.
10/21/76	Filed defendants reply to plaintiff's opposition to defendant's motion to dismiss for want of jurisdiction, with affidavit of Alan Raywid, Certificate of Service with attachment, and two copies.
10/26/76	Filed deposition of Ronald R. Hutchinson in two volumes. (One envelope)
10/28/76	Filed Marshal's return of summons and complaint returned served on Morton D. Schwartz.
11/8/76	Filed deposition of Morton Donald Schwartz.
11/8/76	Filed deposition Senator William Proxmire (Above depositions in one envelope)
11/18/76	Filed Plaintiff's brief in opposition to defendant Proxmire's motion to dismiss or alternatively for Summary Judgment and two copies.
11/18/76	Filed Plaintiff's exhibits, 1-45, 46-50, 51-56, 57-63 and 64-96 in five volumes and two copies.

Date	*Proceedings*
11/19/76	Filed Plaintiff's supplemental Memorandum in opposition to defendant Schwartz's motion to dismiss for want of jurisdiction with certificate of service and two copies.
11/22/76	Filed Plaintiff's motion for extension of time to file answers to defendants motion to compel production of documents and answers to interrogatories and two copies.
11/22/76	Filed Certificate of Service re motion.
11/26/76	Filed Marshal's return of summons and complaint returned UNEXECUTED as to Morton Schwartz.
11/30/76	Filed Affidavit of Michael E. Cavanaugh and two copies.
12/6/76	Filed Defendant Schwartz's reply to plaintiff's supplemental memorandum in opposition to defendant Schwartz's motion to dismiss for want of jurisdiction with certificate of service and two copies.
12/9/76	Filed Affidavit of Richard Shannon and two copies with attachment 1 and 2.
12/9/76	Filed Defendant Proxmire's reply brief with exhibits 75, 76, 77, 78, 82a, 82b, 82c, 83 through 101 and two copies.
12/30/76	Entered order dated December 20, 1976. On October 4, 1976, the Plaintiff, Ronald R. Hutchinson, filed a motion under Rule 15, Federal Rules of Civil Procedure, for leave to amend his Complaint. The motion is granted. The Complaint as Amended will be treated by the Court as the complaint against which defendant William Proxmire has filed his motion to dismiss

Date	*Proceedings*
	or in the alternative, for Summary Judgment -Draft-Leighton, J. Mailed notices 12/30/76
1/3/77	Enter order dated December 23, 1976. Motion of the defendant William Proxmire to dismiss the Plaintiff's suit, or in the alternative, for Summary Judgment. The ruling will be on the alternative motion for Summary Judgment under Rule 56, Federal Rules of Civil Procedure. On or before the 27th day of January, 1977 the court will file a memorandum stating the reasons for its ruling. The order entered this day shall not be final until the memo is filed on said date summary judgment will be entered in favor of the defendant, William Proxmire, -Draft-Leighton, J Mailed notices 1/3/77
2/7/77	Enter order dated January 27, 1977; On motion of the court, the date for the filing of the court's Memorandum is extended to on or before April 27, 1977. Draft-Leighton. Mailed notices 2/7/77
4/25/77	Enter order dated April 22, 1977. In accordance with the Memorandum of the Court filed this day, Summary Judgment is entered in favor of defendant, Senator William Proxmire and against the plaintiff Dr. Ronald R. Hutchinson. Plaintiff is served notice that within 30 days, on its initiative, the court will dismiss this suit as to the remaining defendant Morton Schwartz unless plaintiff makes a showing within that time that such dismissal should not be ordered. -Draft-Leighton, J. Mailed notices 4/25/77
5/20/77	Filed plaintiff-appellant's notice of appeal. (**Rec. $5.00 5/26/77**)

Date	*Proceedings*
5/20/77	Transmitted copy of notice of appeal and copy of docket entries to U.S.C.A. 7th Circuit.
5/20/77	Mailed copy of notice of appeal to Bradway A. Liddle, Jr., P.O. Box 927, Madison, WI 53701; and Cole, Zylstra and Raywid, 2011 Eye Street N.W., Washington, D.C. 20006. ($250.00 bond on appeal with Cashier)
6/1/77	Filed appellants request for complete record
6/1/77	Filed plaintiff's notice; Proof of service
6/1/77	Filed Memorandum in opposition to motion to dismiss as to defendant Morton Schwartz
6/7/77	Filed Defendant Schwartz' reply to plaintiff's memorandum in opposition to dismiss as to defendant Morton Schwartz and two copies.
6/20/77	Filed plaintiff's reply to defendants reply to plaintiffs memorandum in opposition to motion to dismiss as to defendant Schwartz.
6/27/77	Enter order dated 6-22-77; in the memorandum filed in this cause on April 22, 1977, this court notified plaintiff that it was considering dismissing the suit as to defendant Schwartz because on the facts alleged a claim had not been made on which relief could be granted. Plaintiff has filed a memorandum opposing the dismissal. Defendant Schwartz has filed an answer to plaintiff's opposition. Plaintiff has filed a reply to defendant Schwartz' answer. After consideration of the parties' statements, the court finds that the amended complaint fails to state a claim on which relief can be granted against defendant Schwartz. Therefore, the suit is dismissed. -LEIGHTON, J. Mailed notices 6-28-77

Date	*Proceedings*
6/29/77	Transmitted complete record in one volume of pleadings, 5 volumes of plaintiff's exhibits and Item No. 7 unbound. (C/A No. 77-1677)
7/8/77	Filed request in form of letter from defendant's attorney to transmit additional documents in supplement to record on appeal.
7/11/77	Filed judgment on decision by the Court Rule 58 by Western District of Wisconsin
7/12/77	Transmitted in supplement to record the following: Proxmire's request for production, Summons issued on Morton D. Schwartz, (2), Plaintiff objections to interrogatories, 5 volumes of depositions, Marshal's return of summons unexecuted, and marshal's return of summons served on Schwartz, Affidavit of Michael E. Cavanaugh and Richard Shannon, Proxmire's reply brief with exhibits, defendant's exhibits incorporated with defendant's reply to plaintiff's memorandum; Order of 6-22-77 and request to supplement record.
7/18/77	Filed plaintiff's request to supplement the record on appeal
7/19/77	Transmitted in supplement to record on appeal the following: Plaintiff's reply to defendant's reply to plaintiff's memorandum in opposition to motion to dismiss as to defendant Morton Schwartz, with exhibits 97, 98, 99 and 100 and 101 attached, filed 6/20/77
7/22/77	Filed plaintiff's second notice of appeal $5.00
7/22/77	Filed copy of motion directed to U.S. Court of Appeals re: consolidation of appeals

Date	*Proceedings*
7/25/77	Transmitted supplement to U.S. Court of Appeals: Plaintiff's second notice of appeal, copy of motion to U.S. Court of Appeals to consolidate appeals

UNITED STATES COURT OF APPEALS
SEVENTH CIRCUIT

RELEVANT DOCKET ENTRIES

File Number: 77-1677

Date	*Proceedings*
7/29/77	Filed o&3c appellant's motion to consolidate two appeals, svc. (77-1755)
7/29/77	Entered order granting motion for consolidation of appeals. (77-1755)
9/6/77	Filed 15c of appellant's brief & 10c of appendix, svc. (77-1755)
10/4/77	Filed 15c appellees' brief & 15c appendix, svc. (77-1755)
10/21/77	Filed 15c appellant's reply brief, svc. (77-1755)
11/25/77	Entered order setting appeal for oral argument on Mon. 1/9/78 9:30 am. Oral argument limited to 20 min per/side.
1/9/78	Heard and taken under advisement.
6/30/78	Filed opinion by Judge Castle. (77-1755)
6/30/78	Entered final judgment order AFFIRMED, with costs. (77-1755)
7/14/78	Filed 25c appellant's petition for rehearing en banc, dist, svc. (77-1755)

Date	*Proceedings*
7/26/78	Entered order denying petition for rehearing. (77-1755)
10/30/78	Filed notice of filing petition for cert. on 10/20/78; Supreme Court No. 78-680.
11/17/78	MANDATE ISSUED AND RECORDED RETURNED. (77-1755)
11/22/78	Filed receipt for mandate and record from district court.
1979	
1/12	Entered order from Supreme Court granting petition for writ of cert. Case is set for oral argument in tandem with No. 78-5414, *Wolston* v *Reader's Digest Association*

UNITED STATES COURT OF APPEALS
SEVENTH CIRCUIT

RELEVANT DOCKET ENTRIES

File Number: 77-1755

Date	*Proceedings*
7/29/77	Filed o&3c appellant's motion to consolidate two appeals, svc. (77-1677)
7/29/77	Entered order granting motion for consolidation of appeals. (77-1677)
9/6/77	Filed 15c of appellant's brief & 10c of appendix, svc. (77-1677)
10/4/77	Filed 15c appellees' brief & 15c appendix, svc. (77-1677)
10/21/77	Filed 15c appellant's reply brief, svc. (77-1677)

Date	*Proceedings*
11/25/77	Entered order setting appeal for oral argument on Mon. 1/9/78 9:30 a.m. Oral argument limited to 20 min per/side.
1/9/78	Heard and taken under advisement.
6/30/78	filed opinion by Judge Castle. (77-1677)
6/30/78	Entered final judgment order AFFIRMED, with costs. (77-1677)
7/14/78	Filed 25c appellant's petition for rehearing en banc, dist, svc. (77-1677)
7/26/78	Entered order denying petition for rehearing. (77-1677)
10/30/78	Filed notice of filing petition for cert. on 10/20/78; Supreme Court No. 78-680.
11/17/78	MANDATE ISSUED AND RECORD RETURNED. (77-1677)
11/22/78	Filed receipt for mandate and record from district court.

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PREDICTION OF INAPPROPRIATE AGGRESSIVE BEHAVIOR OF MEMBERS OF SMALL CREWS, NOTICE OF RESEARCH PROJECT FOR CUSTER STATE HOME, 1970-71. DEFENDANTS' TRIAL EXHIBIT 70, U.S. DIST. CT., W.D. OF WISC.

Supporting Agency:

DEPARTMENT OF DEFENSE	DN923259
NAVY	CONTRACT

Title of Project:

PERSONNEL TECHNOLOGY—PREDICTION OF INAPPROPRIATE AGGRESSIVE BEHAVIOR OF MEMBERS OF SMALL CREWS

Principal Investigator, Associates and Department/ Specialty:

RR HUTCHINSON

Recipient Institution:	Period for this NRP:
FORT CUSTER STATE HOME	7/70 TO 6/71
P. O. BOX 248	FY71 FUNDS $32,000
AUGUSTA, MICHIGAN 49012	7-70 12-74

Summary of Project:

THE CAPABILITY TO CONTROL AND MODIFY AGGRESSIVE BEHAVIOR IN SITUATIONS IN WHICH THAT BEHAVIOR IS NOT APPROPRIATE WOULD BE VALUABLE IN MANY NAVY SITUATIONS IN WHICH PERSONNEL MUST INTERACT FOR RELATIVELY LONG PERIODS OF TIME, E.G. SHIPBOARD, SUBMARINE, OR PATROL AIRCRAFT. IDENTIFICATION OF THE FACTORS WHICH INDUCE AGGRESSIVE BE-

HAVIOR AND THE BODILY CHANGES WHICH PRODUCE CUMULATIVE EFFECTS AND PROLONG AGGRESSIVE REACTIONS IS A VITAL FIRST STEP IN ESTABLISHING CONTROL. THIS WORK UNIT IS CONCERNED WITH IDENTIFYING THE STIMULI WHICH PRODUCE AGGRESSIVE RESPONSES AND THE ACCOMPANYING BODILY CHANGES.

WORK IN THE COMING PERIOD WILL INVOLVE CONTINUATION OF RESEARCH ON SUBHUMAN PRIMATES TO DETERMINE THE ENVIRONMENTAL, PHYSIOLOGICAL AND BIOCHEMICAL FACTORS RESPONSIBLE FOR THE MAINTENANCE OF AGGRESSIVE BEHAVIOR, AND SYSTEMATIC REPLICATION OF RESULTS OBTAINED IN PRIMATES EXTENDED TO HUMAN SUBJECTS.

BECAUSE THE CONTRACT HAS ONLY RECENTLY STARTED NO EXPERIMENTAL RESULTS OR PAPERS HAVE BEEN PRODUCED. THE EXPERIMENTAL APPARATUS HAS BEEN SET UP, PROCEDURES ESTABLISHED, AND BOTH ANIMAL AND HUMAN SUBJECTS HAVE BEEN WORKED WITH. SEVERAL PRELIMINARY RUNS USING VARIOUS OF THE STANDARD TRANQUILIZERS, ANALGESICS, ANTIDEPRESSANTS AND ANTICONVULSANT DRUGS HAVE BEEN COMPLETED. PRELIMINARY RESULTS INDICATE THEY DO HAVE AN EFFECT ON THE LEVEL OF HYPERAGGRESSIVENESS, IN SOME INSTANCES INCREASING THE LEVEL, IN OTHERS DECREASING THE LEVEL.

SUPPORTING AGENCY ADDRESS INFORMATION: OFFICE OF NAVAL RESEARCH WASHINGTON, D.C. 20360

EXTRACT FROM "EXTENSION OF BASIC FINDINGS", A SUBSECTION OF PART B "BACKGROUND" FROM SEVERAL PROPOSALS FOR RESEARCH BY RONALD R. HUTCHINSON, PLAINTIFF'S TRIAL EXHIBITS 49, 50, 54, 55, 56 AND 59, U.S. DIST. CT., W.D. OF WISC.

The motivation behind each of the studies described so far has been to develop the base of biological knowledge required for an efficient and fruitful research program on the causes of human aggression.

Several studies of this investigation had shown the termination, blocking or interruption of appetitive or ingestive behaviors produces hostility and aggressive responses (Azrin, Hutchinson, and Hake, 1966; Hutchinson, Azrin and Hunt, 1968). Indeed, a relationship between frustration and aggression has been postulated for some time (Dollard et al., 1939). Large areas remain, however, for the objective and quantitative exploration of this phenomenon in humans. In the case of aggression and human biting, the dental literature has cited the role of psychic factors in bruxism, or non-functional gnashing and grinding of the teeth. Ramfjord and Ash (1966) note that emotional stress, pain, and discomfort are among the causes of increased tonus of the masticatory musculature that leads to bruxism. Teeth clenching and grinding have been associated with anger and aggression in humans and animals (Nadler, 1957).

To further explore these relationships, an automatic, sensitive, and reliable method of unobtrusively recording jaw contraction in humans has been developed (Hutchinson and Pierce, 1971). The intensity characteristics of the measures have been shown to be directly proportional

to contraction force, and the measures suitably differentiate between eccentric and concentric occlusal patterns. Automatic recording of these measures in digital format has also been perfected. Initial work has now confirmed that instatement of unpredictable and/or unrewarding conditions produces frequent and intense "non-functional" jaw contraction responses in humans. Subjects were rewarded for a button pushing task on a fixed-ratio schedule of delivery of points exchangeable for money. Ratio requirement was varied and occasionally extended periods of nonreward were arranged. Higher ratio requirements produced frequent intense jaw clenching just prior to work onset. Extinction produced extended jaw clenching episodes. These findings are essentially identical to those obtained with squirrel monkeys by Hutchinson, Azrin and Hunt (1968). These parallel results indicate that jaw clenching is produced by at least certain of the same stimuli which produce biting attack in animals.

Additional research was subsequently aimed at establishing that cessation of contact with certain habitually ingested chemical compounds would also produce jaw clenching. In this experiment (Hutchinson, Emley and Sauer, 1971), habitual smokers' jaw contractions were measured both before and for several weeks after cessation of all tobacco usage. Seven of eight subjects show prolonged and intense elevations in jaw clenching, frequency and intensity. Thus it is already established that a response with similar temporal and topographic parameters as attack in animals is produced by reduction of both primary and secondary reinforcer type agents in man. Naturally much additional work needs to be accomplished.

EXTRACT FROM PROJECT SUMMARY: ENVIRONMENTAL CAUSES OF AGGRESSION, BY RONALD R. HUTCHINSON, DEFENDANTS' TRIAL EXHIBIT 72, U.S. DIST. CT., W.D. OF WISC.

* * *

This grant will continue support of a project previously supported by grant GB-18413 to Western Michigan University. Environmental determinants of aggression will be studied using adult males of three mammalian species as subjects. In a number of experiments, squirrel monkeys in restraining chairs will be exposed to electric shock (punishment or noncontingent: constant, randomized, or gradually increasing intensity; with or without prior administration of various doses of alcohol, caffeine, meprobamate, salieylic acid, or dextrose) or to progressively more difficult auditory or visual discriminations. Pressure transducers will be used to measure the intensity of the monkeys' biting attack on a hose; the relationship between bite force and attack probability, frequency, and duration will be studied. Electromyographic recording will also be attempted, for comparison with data from humans. Jaw-clenching and related reactions elicited by isolating human subjects for 30 to 90 minutes will be measured by electromyographic and electrocardiographic recording.

* * *

EXTRACT FROM EFFECTS OF NICOTINE ON AVOIDANCE, CONDITIONED SUPPRESSION AND AGGRESSION RESPONSE MEASURES IN ANIMALS AND MAN, RONALD R. HUTCHINSON AND GRACE S. EMLEY, PUBLISHED IN DUNN (ED), *SMOKING BEHAVIOR: MOTIVES AND INCENTIVES*, WASHINGTON, D.C., V. H. WINSTON, 1973, DEFENDANTS' TRIAL EXHIBIT 71, U.S. DIST. CT., W.D. OF WISC.

INTRODUCTION

It is the position of this discussion that tobacco usage involves a powerful chemical reinforcement process and that the chemical reinforcer is nicotine. We come to this conclusion because the experiments that we have conducted demonstrate that for both animals and man the administration of minute doses of nicotine (*a*) produces rapid and pronounced decreases in the effects of stressful and unpleasant stimulation through the reduction of the reflex behavioral processes normally generated thereby, while (*b*) simultaneously enhancing reactions which allow the reduction or termination of such stressors. There is widespread agreement that a reduction in the impact of aversive events constitutes powerful reinforcement for the behaviors producing such reduction, and similarly, that the behaviors producing such reduction, and similarly, that the behaviors producing enhancement of responses which lead to escape from or avoidance of aversive events are powerfully reinforced by such response enhancement. These ideas will be discussed in greater detail in later sections of this chapter.

LETTER FROM JAMES TEEGARDEN TO RONALD R. HUTCHINSON, APRIL 25, 1974, DEFENDANTS' TRIAL EXHIBIT 91, U.S. DIST. CT., W.D. OF WISC.

Ronald R. Hutchinson, Ph.D.
Director of Research
Research Department
Kalamazoo State Hospital
Kalamazoo, Michigan 49001

Dear Dr. Hutchinson:

Dr. Pawlowski has asked me to respond to your request for information stemming from the recent review of the application entitled, "Analysis of Noxious Stimulus Produced Alcohol Intake" (1 RO1 AA01271-01). That information is contained in the following remarks.

Reviewers agreed that this proposal is devoid of procedural details and rationale such that it is extremely difficult to evaluate. For example, although proper control conditions for several of the studies are alluded to, the sketchy description of the procedure sections show no inclusion of control subjects. Furthermore, virtually no temporal dimension of the studies are specified. The bulk of the proposal contains studies which are preliminary, and could have been done earlier, especially since you have done many similar studies using other drugs. Thus, the basic paradigm should already be well established, and reviewers did not think it reasonable to request additional support for this aspect of the research. Only the last two studies were thought to have possible merit, but their presentation lacks sufficient rationale for what were considered to be weakly presented predictions. Finally, even if the proposal were stronger, it should be clear that the questions of primary interest pertain to the effects

of noxious stimulation on behavior, and, only secondarily to the causes and effects of alcohol ingestion.

We hope this information proves useful to you and that you will let us know if you require additional information.

Sincerely yours,

/s/ James C. Teegarden
James C. Teegarden, Ph.D.
Executive Secretary

EXTRACT FROM NEWSPAPER ARTICLE, "LOOKING FOR ANSWERS: KALAMAZOO STATE HOSPITAL RESEARCHERS INVESTIGATE BEHAVIOR", KALAMAZOO GAZETTE, DECEMBER 8, 1974, DEFENDANTS' TRIAL EXHIBIT 55, U.S. DIST. CT., W.D. OF WISC.

Monkey business is serious business to 15 scientists and technicians at the Kalamazoo State Hospital research department.

That's because Dr. Ronald R. Hutchinson, director of the research department, and his staff know that there's more to a monkey's emotional makeup than monkeying around all the time.

Hutchinson, known affectionately to his staff as "Hutch", oversees a unique laboratory housed in the Burns building at KSH in which researchers are probing the causes of emotions with the help of some 100 South American squirrel monkeys.

* * *

Hutchinson, formerly a member of the Western Michigan University psychology faculty, became a parttime behavioral research and treatment consultant for the Ft. Custer State Home in 1968.

His research expanded and government interest grew in his work. In 1972, however, the state announced it was closing the Ft. Custer State Home. So the state Department of Mental Health transferred Hutchinson's lab to some available space at KSH and provided some seed money to expand Hutchinson's staff and help him in what had become a full-time devotion.

The move gave Hutchinson a chance to combine his doctoral background in experimental psychology from Yale with his somewhat incongruous training as an engineer at the General Motors Institute in Flint.

Psychological testing requires a lot of expensive equipment. But money is hard to get for such programs. So Hutchinson decided to put his engineering abilities to work modifying government surplus material to suit his project's needs.

"Ninety per cent of the equipment in this building—two, three, maybe four million dollars' worth—is bent, broken or otherwise useless federal property." Hutchinson says, with a proud glint in his eye not unlike that of a successful salesman. "We're running on other people's castoffs."

The facility builds and renovates much of its equipment in its own machine and carpentry shops, and electronics engineer Edward Hallin develops electronic systems for the experiments using government hand-me-downs.

"I'm really just a high-paid beggar," laughs Hutchinson from behind his large government-surplus desk as his voice echoes slightly through his carpetless office.

EXTRACT FROM FINAL REPORT TO NASA FOR FEBRUARY 1, 1974 TO JANUARY 31, 1975: MEASUREMENT AND FACILITATION OF COOPERATIVE TASK PERFORMANCE, RONALD R. HUTCHINSON, DEFENDANTS' TRIAL EXHIBIT 68, U.S. DIST. CT., W.D. OF WISC.

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A substantial series of experiments has now been completed documenting the validity and reliability of the jaw clench measure as it relates to the measure of anger and stress contact.

Experiments have been completed showing that the onset of loud noise produces consistent jaw clenching and other correlated negative affect motor behaviors. Similarly, the termination of a positive reinforcer, i.e. consumption of cigarettes, also produces jaw clenching. Further studies showed that termination of secondary positive reinforcers, such as the delivery of coins or termination of tertiary positive reinforcers, such as interruptions of counts on a counter, also led to immediate increases in jaw clenching.

Three series of experiments have been done to determine under what conditions jaw clenching will occur.

1) Experiments involving a high fixed-ratio response requirement have shown that jaw clenching in humans occurs in an analogous fashion to the biting produced with similar increases in fixed-ratio schedules in infrahuman subjects.

2) Experiments involving reduction in the amounts of money received for particular tasks or simple reduction in delivery of money independent of any work cause increases in the jaw clench response and other negative affect motor behaviors.

3) Experiments have demonstrated that perception of more favorable conditions existing for another person can actually increase anger and hostility, even though no actual reductions in reinforcement occur for the subject under study.

The results from these experiments presented in the attached figures provide good validation that the measures of jaw clenching are a valid index of anger and hostility and correlate well with other overt actions such as cursing, hitting the machine testing apparatus, etc. Data collected also indicate that this jaw clench measure is suitable for the determination of disruption in social cooperative performances in small groups.

REPORT TO OFFICE OF NAVAL RESEARCH OF DR. MORTON A. BERTIN, COORDINATOR FOR PSYCHOLOGICAL SCIENCES, RE: HUTCHINSON RESEARCH, PLAINTIFF'S TRIAL EXHIBIT 24, U.S. DIST. CT., W.D. OF WISC.

DATE: January 28, 1975

Name(s) and Title(s) of Person(s) Contacted

Dr. Ronald R. Hutchinson
Director Research Department

Summary of Discussion

Dr. Ronald Hutchinson, Principal Investigator, traced the methods that have been developed for the simultaneous assay of three basic and separate motor processes in several species, including monkeys and man. They have also extended the pharmacologic assay of these processes in the squirrel monkey and have extended and further confirmed the methods for mea-

surement of these reactions in non-social and social environments in humans.

The laboratory has developed a broad base of information on the effects of a variety of clinically or self-prescribed compounds on emotional reactions in the squirrel monkey. They have recently begun to discover the biochemical and humoral complex of actions on these same emotional reactions. Several compounds known to have direct effects on the adrenergic system have been studied including propranolol - beta adrenergic blocker, and phentolamine - alpha adrenergic blocker. Also under study is the cholinergic system (arecoline-nicotinic actions; mecamylamine-nicotinic blocker; atrophine and scopolamine-muscarinic blockers). Hopefully this information will lead to an understanding of the biochemistry of emotional reactions produced by stress exposure.

It has been found that the masseter (jaw) muscle contraction and other bodily movements in human subjects during loud noise and frustrating environmental conditions bear the same temporal and intensive relationships as do the lever-pressing and hose-biting responses in the squirrel monkey. Extensions of the early experiments determining the conditions under which jaw clenching would occur have further validated the measure as an indicator of anger and hostility. Experiments involving reduction in the amounts of money received for a particular task or simple reduction in delivery of money independent of any work cause increases in jaw clench and other negative affect behavior. It has also been shown that perception of more favorable treatment of another person can increase anger and hostility though no reduction of reinforcement occurs to the subject per-

sonally. These studies provide added indications of the correlation of jaw clenching as an emotional measure when compared with more overt actions. Thus the research in the past year has made progress towards unraveling the biochemistry of emotional responses and has further validated the jaw clench measure as an index of anger and hostility in humans.

EXTRACT FROM SENATE HEARINGS, COMMITTEE ON APPROPRIATIONS, FISCAL YEAR 1976, H.R. 8070, PART I, DEFENDANTS' TRIAL EXHIBIT 17, U.S. DIST. CT., W.D. OF WISC.

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BUDGET REQUEST

Senator Proxmire. The subcommittee will come to order.

The Senate Appropriations Subcommittee on HUD-Independent Agencies is meeting this morning to receive testimony from the National Science Foundation on its fiscal year 1976 budget request.

Dr. Stever, I welcome you and your colleagues. It is good to see you again.

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Senator Proxmire, I had the Library of Congress put together a printout of the private foundation investment in the social sciences. In 10 months of 1974, private foundations poured over $53 million into social

science research. This does not include grants under $15,000, and it does not include awards for demonstrations or experimental psychology or sustained support. So the figure could have gone much higher.

This massive private investment in the social sciences gives further indication that perhaps the National Science Foundation should consider an even less extensive investment. I know you only invest 5 or 10 percent of your budget in this discipline—maybe it should be less. Again, I must question the values of your studies, such as "Hitchhiking, a Viable Addition to a Multimodal Transportation System"; that cost $15,000. "Preliminary Investigation of Special Impact of Television on Blacks," $121,000—this subject of the impact of TV has been studied to death.

"Social Behavior of Alaskan Brown Bears"; that cost $27,600 in fiscal year 1974, $81,000 overall. "Comparative Histology of Primate Teeth"; that cost $17,200 this year with an overall grant of $25,000. "The African Climate During the Last Ice Age"—cost $112,000.

HITCHHIKING

Could you give us a brief synopsis of these five projects and what they hope to accomplish? I am particularly interested in the hitchhiking proposal. What will that do to benefit the Wisconsin dairy farmer or the Indiana factory worker?

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TITLE TO RESEARCH EQUIPMENT

Senator Proxmire. Public Law 85-934, among other things, gives Federal basic research agencies authority to vest title in institutions of higher learning or nonprofit organizations for the equipment purchased under grants or contracts. It also requires these agencies to report annually to Congress on the number of grants and value of these grants to institutions in which title to equipment was vested.

Now, considering the National Science Foundation's support of this legislation—which you did, I understand—including the annual report requirement, why does the Foundation not prepare a report setting forth the specific grants involving the transfer of title to equipment? Perhaps your General Counsel, Mr. Brown, can give us the legal citations as to why Public Law 85-934 does not apply to NSF.

Mr. Brown. The basic act of the National Science Foundation from the very beginning has contained authority to make grants; both of money and property. From the very beginning, we have also—

Senator Proxmire. Will you give us a citation for the record? You do not have to give it to me now, but for the record, so that we have it.

Mr. Brown. It is section 11(e) of the Science Foundation Act. 42 United States Code 1870. With your permission I would like to insert this section in the record.

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ROYALTIES ON INVENTIONS

Sentor Proxmire. Is it not true now that, under the present contract, MIT gets a substantial share of the benefits, and the inventor

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gets a minority share but gets some share? I would think you could work out something that would pay for the program so that the taxpayer could get his money back.

Dr. Eggers. Well, sir, I believe I can argue that—

Senator Proxmire. MIT gets 65 percent of the benefit, the student gets 35 percent. The Government, that puts up all the money, gets nothing. Zero.

Dr. Eggers. Well, this certainly, I am sure, will deserve examination over the long haul. But right now, we are confronted in this country, as you well know, with growth of new industries to provide employment. This activity is stimulating in an incipient way, but a growing fashion, the growth of new industries to employ people. And that, in turn, gives the American taxpayer money, because these people are not on welfare.

Senator Proxmire. Well, I think you can get an argument from any economist on that basis. There is no way to provide jobs by new inventions unless you also have a way of enabling people to buy the product invented.

Dr. Eggers. Well, yes, sir, but these products are being bought.

Senator Proxmire. Well, you have got to provide the financing. Money has to come from somewhere.

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Dr. Stever. Mr. Chairman, the NSF funds are scheduled to decrease as revenues from industry go up in this program. This was a seeding operation and is not something we are going to sustain over a period of time. If that kind of innovation really does get started in places likes MIT, I personally think we have done something quite good for the country.

Senator Proxmire. Why do you not ask MIT to pay back its grant out of the profit it makes?

Dr. Stever. Pay back the grant? I do not know whether that is legal.

Mr. Brown. The grant has been made for a program. We have the right to terminate it if the growth does not—

Senator Proxmire. I am not talking about whether it takes a change in the law. Perhaps it is a new idea, but it seems to me it is an idea which is sensible for something of this kind. Here you do have an unusual kind of a grant. It is not a grant to enable a student to get an education, which is something quite different. This is a grant where there is a profit payoff, in many cases, which enriches the institution greatly and enriches the inventor. I do not complain so much about the inventor. Of course you have to have an incentive for him, and I do not think it is wrong for the institution to get something. But it seems to me that the people who put up all the money also ought to get a return, and that is the taxpayer.

Dr. Stever. Mr. Chairman, in Britain and in France, I am told that in fact your idea is used in the counterpart of RANN there. I do think it would take a change in the law for NSF to operate that way.

Senator Proxmire. From what line item in your budget is this project being supported, Dr. Stever?

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NSF AUDIT FUNCTION

Senator Proxmire. I am very interested in the performance of your internal audit unit. Before I get to that, I would like to followup a response you made yesterday in an attempt to get the additional information for the record.

Did you indicate that the Department of Health, Education, and Welfare was doing some audit work for you?

Dr. Stever. The Department of HEW does the onsite audit for almost all grants awarded by the National Science Foundation. We do have an internal audit office, but it does not do that kind of work.

Senator Proxmire. I understand that your auditing office issued its first program-type audit on your Division of Computer Research on February 18, just a few days ago.

Dr. Stever. Yes, sir.

Senator Proxmire. Can you give us a brief account of the results of that audit and provide more detail for the record?

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Dr. Stever. Mr. Taylor, can you do that?

Mr. Taylor. Yes. This particular audit, Mr. Chairman, looked at a number of grants awarded by the Foundation's Office of Computing Activities. The report found that most of the grants audited achieved the objective set forth in the grant application. I will provide a more detailed summary of the findings for the record.

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REMARKS OF CONGRESSMAN BAUMAN, CONGRESSIONAL RECORD, VOLUME 121, APRIL 9, 1975, H 2602, DEFENDANTS' TRIAL EXHIBIT 98, U.S. DIST. CT., W.D. OF WISC.

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It is time Congress questioned all the research projects which the National Science Foundation supports. Just how appropriate is it for the taxpayer to support such activity in a time of recession, a time when many workers are seeking jobs, and many of those who have jobs are juggling their budgets to make their paychecks cover living costs which have been escalated by inflation? Regardless of how important a scientific project may be within a community of specialists how comfortable can we feel asking ordinary wage earners to support researchers paid at an average annual rate of up to $45,000.

Another problem area within the National Science Foundation, which requires further study before we approve this authorization, is the extent to which NSF's

activities overlap and duplicate projects being carried on by other agencies of Government.

* * *

This sort of thing is not only potentially duplicative, but it encourages the practice of grant shopping. Anybody who looks at the academic community with any objectivity can tell you that things have changed on campus. You would not find many Mr. Chips there any more. Of increasing importance to educational institutions these days are not good teachers and scholars, but those who are adept in the fine art of grantsmanship—getting Government and foundation money for chic research projects. The theory among professional grantshoppers is that, once you have mastered the subleties of proposal-writing, if you cannot get money from one agency of Government, you can find it in another corner of our Federal leviathan.

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We cannot avoid this issue. We cannot possibly avoid this issue because our constituents are watching us. They are fed up with all the Federal spending for these insane and questionable purposes. There are people out of work and this Government is facing a $100 billion deficit.

MEMORANDUM BY FRED STOLLNITZ RE: CONTACT WITH MORTON SCHWARTZ, APRIL 14, 1975, PLAINTIFF'S TRIAL EXHIBIT 15, U.S. DIST CT., W.D. OF WISC.

UNITED STATES GOVERNMENT

MEMORANDUM

Date: April 14, 1975

TO: Congressional Liaison Office, GPP

VIA: Deputy Assistant Director for Research

VIA: Division Director, BMS

FROM: Associate Program Director for Psychobiology, EMS

SUBJECT: Conversation with Morton Schwartz of Senator Proxmire's staff

Mr. Schwartz phoned me this morning with questions and comments about Ronald R. Hutchinson (Kalamazoo State Hospital). He said Senator Proxmire was going to attack support of Hutchinson's research by several Federal agencies which had amounted to about half a million dollars since 1967 and had produced very little but laughably obvious conclusions.

Schwartz explained that he was calling because he respected MSF's technical expertise; his own background, he said was in academic economics with some work in psychology, and his closest friend had done considerable psychology. Later in the conversation he said he had asked someone in the academic world, in the area of animal behavior, about Hutchinson. His information told him that Hutchinson had been going along for years doing mediocre but sound work.

Schwartz also said he had checked with most of the major research supporting agencies; he wondered if we knew that Hutchinson had applied eight times to NIMH and had been turned down every time. I said I didn't know how many applications he had submitted, but I did know that his applications fared badly at NIMH. Schwartz said that NSF has a reputation for supporting only the highest quality research; he wondered why we were supporting work that other agencies would not support. I said that each agency had its own interests, and I did not think that agencies could be rank-ordered along a single continuum of quality. The people I talk with at NIMH say that when their funds are tight they can support only projects bearing on child mental health or on schizophrenia, which are priority areas for NIMH. I also explained that NSF's reviewers saw Hutchinson's chief contribution as being a systematic introduction of quantitative measurement techniques into a research area that badly needed such an objective approach, rather than a contribution of major conceptual break throughs. Schwartz said that quantification to him as a social scientist is a little different from quantification to an engineer (Hutchinson's initial field), and Schwartz thinks the quantification that Hutchinson is doing is without value—it doesn't matter if people clench their jaws hard or only slightly when they get angry.

Schwartz asked if we knew that Hutchinson had received continued ONR support concurrently with NSF's most recent grant (GB-33620X). Schwartz was looking at Hutchinson's letter of December 1971, which said that ONR would not give further support. I referred him to the program staff's memoranda to the file, in March 1972, noting that ONR would support Hutchinson's research and describing a detailed comparison of the two projects to

assure that there was no overlap. I pointed out that the amount we had granted was less than half of the $120,000 that Hutchinson had requested for the three years. Schwartz said he hadn't seen the requested budget, although he did have a copy of the proposal. Schwartz expressed surprise that NSG was supporting work that seemed to him to approach preclinical drug screening. I said that the rationale for the work was quite different; that by finding classes of drugs that had similar behavioral effects, Hutchinson hoped to gain some insight into the neurochemical mechanisms underlying aggression. Schwartz said he had seen that statement in the memorandum about Hutchinson's 1973 office visit. He noted that Hutchinson had more recently obtained support from the National Institute on Drug Abuse for work with some additional drugs.

Schwartz said he was most concerned not about the work that NSF had supported but about the work with human subjects supported by NASA and ONR. (He also noted that NSF supported a little of the work with human subjects, and I think he was equally unhappy about that.) He had seen a couple of master's theses from Western Michigan University that acknowledged Hutchinson's support from several agencies. One of the theses, he said, had found that people clench their jaws when they exhibit other forms of aggressive behaviors, such as kicking the experimental apparatus. Another, he said, had found that people in a gaming situation clenched their jaws when they found out that it wasn't a fair game. He didn't think that NASA had to pay $50,000 to find out that people on a space mission who played cards would get angry if they were cheated in the game.

The actual sequence of the conversation was quite different—and less coherent—from that given above.

Schwartz called back later in the morning to ask about Hutchinson's new proposal (BMS 75-1 499). I gave him the information he asked for; amount requested ($114,723 for three years), title ("The Environmental Causes of and Pharmacologic Influence Upon Aggression and Drinking"), and list of other research support (NASA grant; pending proposals at ONR, NIDA, and NIH).

Fred Stollnitz

MEMORANDUM BY FRED STOLLNITZ RE: CONTACT WITH MORTON SCHWARTZ, APRIL 15, 1975, PLAINTIFF'S TRIAL EXHIBIT 16, U.S. DIST. CT., W.D. OF WISC.

United States Government

MEMORANDUM Date: April 15, 1975

TO: Congressional Liaison Office, GPP

VIA: Deputy Assistant Director for Research

VIA: Division Director, BMS

FROM: Associate Program Director for Psychobiology, BMS

SUBJECT: Conversation with Morton Schwarts of Senator Proxmire's Staff

Mr. Schwartz phoned again this morning to make sure he had the facts correct about NSF's first grant to support Ronald R. Hutchinson's work (GB-5580 to Western Michigan University). Specifically, he wanted to know if that grant had been to study environmental causes of aggression or if it had been for work using brain-lesion techniques. I told him that the title was "Environmental and Physiological Causes of Aggression"; he seemed satisfied

with that information. He reviewed his list of NSF grants for Hutchinson's work; I mentioned the supplement to GB-5980, which he had omitted, and he said, "$4,700 isn't worth fighting about." I said I was sorry he thought the rest of it was worth fighting about.

Mr. Schwartz said that Federal support for Hutchinson's research was going to be the "Golden Fleece of the Month." Senator Proxmire doesn't think much of any of the work, and in particular thinks that 1/4 million dollars from NASA and ONR didn't extend the NSF research very far. If the main objection was to support from those agencies, I asked, why tar everyone with the same brush? Schwartz said that the NSF contribution was "peculiar". Hutchinson found that he could make monkeys alcoholic by shocking them, but it's been known "since the ancient days of psychiatry" that shock therapy makes people very thirsty. I said that researchers in the area of alcoholism had been searching for years for an animal model, and that if Hutchinson had come up with a reliable technique for making animals alcoholic it was a real contribution.

Mr. Schwartz said that Senator Proxmire was not particularly upset by Hutchinson as an individual, but he was upset by the grantsmanship that Hutchinson exemplified. Schwartz drew the analogy with a policeman who picks up someone driving 70 mph even though someone else may be doing 75, just because that's when the radar happened to be on. Hutchinson was "running around to different agencies merchandising an innovation," as if he were saying he had made a discovery that only he could divulge and the agencies would have to pay him plenty for it. I pointed out that Hutchinson had no patent on his techniques and had published them in the open literature; anyone else who wanted to use the techniques and apply for support from the Federal agencies was free to

do so. Mr. Schwartz agreed but likened the situation to a defense contractor who had already done related work and thus was in a favorable position in competing for future contracts. I wondered if there really was an objection to the free enterprise system operating in science; I pointed out that Senator Proxmire was concerned that the results of NSF research be applied to national problems, and here was a researcher who not only did the basic work but was willing to apply it in areas of concern to several Federal agencies. Mr. Schwartz said that the other agencies justification for supporting the work was weak. He had a statement from NASA, which he said could probably have been prepared better if they had taken more time to do it, and a statement from ONR (Don Woodward) was on the way. I pointed out that it was difficult for people in the agencies to prepare adequate statements when they felt they had to respond so quickly to requests from Senator Proxmire's office. Mr. Schwartz recognized that they operated on a "crisis" basis, but he said it was possible for an agency to come up with a strong enough justification to avert a challenge. He mentioned that people on Senator Proxmire's staff had once been ready to attack NIHM for putting so much money into Daniel Lehrman's research on reproductive behavior of ring doves, but NIHM had come up with a strong justification and Schwartz had made his own assessment that the work was "just below Nobel-prize level" and it would be a mistake to attack it. I said that Lehrman was well-known and it was therefore relatively easy to see that his work was of high caliber, but suppose the same work had been done by a little-known researcher?

Mr. Schwartz said that one's perception of the world depends on the role one is playing. I had come from a university and was not at NSF. He had come from a university and was now on Senator Proxmire's staff. He said, "Perhaps if I were still sitting in a university I'd be upset with Senator Proxmire, but I'm playing a different role here." He apparently does not share what he called the Senator's unfortunate personal biases against the social sciences, which the Senator considers pseudoscience equivalent to alchemy. Schwartz said he has tried to talk to the Senator about that, saying that the work must continue if we're to find out whether it's alchemy or not. But he said that Proxmire considers mathematical work in political science particularly laughable and he recalls that economists made tremendous errors last year, some of which embarrassed Proxmire after he had talked with economists. According to Schwartz, the Senator is asking whether certain aspects of science must go forward with public funding in a time of tight budgets, and there's general agreement among the staff (including Schwartz) that some fields of science will have to battle with others for support. However, he said, Senator Proxmire realizes how tight the NSF budget is, and he's not about to call for a 10% cut, or anything like that.

Fred Stollnitz

OFFICE OF NAVAL RESEARCH RESPONSE TO GOLDEN FLEECE AWARD, APRIL 15, 1975, PLAINTIFF'S TRIAL EXHIBIT 23, U.S. DIST. CT., W.D. OF WISC.

DEPARTMENT OF NAVY
Office of Naval Research
Arlington, Virginia

From: Chief of Naval Research

To: Chief of Information

Subj: Criticism by Senator Proxmire of ONR Contract with Kalamazoo State Hospital

Ref: (a) Advanced copy of press release scheduled to be issued on 18 April

Encl: (1) Statement by ONR in response to subject criticism

1. Reference (a) names the Office of Naval Research, along with the National Science Foundation (NSF) and the National Aeronautics and Space Administration (NASA), as Senator Proxmire's "choice for the Golden Fleece Award for the biggest waste of taxpayers' money for the month of April." He makes this statement in reference to a contract that the Office of Naval Research has had with Kalamazoo State Hospital, Kalamazoo, Michigan, and specifically refers to the principal investigator, Dr. Ronald R. Hutchinson. NSF and NASA have also supported Dr. Hutchinson's work. Enclosure (1) is forwarded as requested by the Chief of Information as a proposed response to press queries resulting from the Proxmire release.

2. It is understood that NSF and NASA are also preparing material to be used in response to press queries.

There has been some informal coordination with those agencies in handling this matter.

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There are many Navy situations in which personnel in small groups must interact closely for relatively long periods of times while on board ship or patrol aircraft. A major problem in these situations can be inappropriate aggressive behavior that is counterproductive to the efficient operation of the ships or aircraft as well as harmful to individuals. The Navy is concerned with discovering how human aggressive behavior develops and is maintained and also with learning techniques for possibly reducing such behavior when it may be disruptive and potentially dangerous.

A research program with these objectives has been supported by the Office of Naval Research through a contract with Kalamazoo State Hospital. Dr. Ronald R. Hutchinson is the principal investigator. It should be noted that none of the funds provided by this contract, which ended last December, went directly to Dr. Hutchinson. These funds were paid to the Kalamazoo State Hospital, which used the funds to pay for laboratory overhead, purchase equipment and material for the experiments, provide for animal care, to pay research assistants, and a portion of Dr. Hutchinson's salary.

The research program involved experiments with both animals and humans. One discovery of this research pro-

gram has been that once an individual due to outside pressures or stimulants reaches an aggressive level of behavior, he will remain aggressive long after those pressures or stimulants are absent. Biting and jaw clenching are considered reliable and accurate indications of aggressive behavior. Another finding is the effect that pharmaceutical agents, particularly tranquilizers and stimulants, have on aggressive behavior. It was learned that certain tranquilizers increase general motor activity while decreasing aggression whereas stimulants, such as amphetamines, increase both types of behavior initially but then decrease both types as more are taken. Such information has provided the Navy with clues on handling actual or anticipated unruly and potentially harmful aggressive behavior.

The research supported by the Office of Naval Research did not duplicate the work funded by the National Science Foundation (NSF) and the National Aeronautics and Space Administration (NASA). Dr. Hutchinson with his NSF funds concentrated on the biochemical and physiological elements of aggressive behavior and with his NASA money focused on the degree to which aggressive behavior is indicated by biting and jaw clenching.

REMARKS OF SENATOR PROXMIRE, CONGRESSIONAL RECORD, VOLUME 121, APRIL 18, 1975, S6220, DEFENDANTS' TRIAL EXHIBIT 4, U.S. DIST. CT., W.D. OF WISC.

THE GOLDEN FLEECE AWARD

Mr. Proxmire. Mr. President, my choice for the "Golden Fleece" Award for the biggest waste of taxpayers' money for the month of April goes jointly to the National

Science Foundation, National Aeronautics and Space Administration and the Office of Naval Research for spending almost $500,000 in the last 7 years to determine under what conditions rats, monkeys, and humans bite and clench their jaws. From the findings of these studies it is clear that the Government paid a half million dollars to find out that anger, stopping smoking and loud noises produce jaw clenching in people.

I might say this is the second in a series of "Fleece of the Month" Awards which will climax in a "Biggest Waste of the Year" Award.

All this money was given to Dr. Ronald R. Hutchinson of Kalamazoo State Hospital in Michigan. Last year alone the good doctor spent over more than $800,000 of which more than $100,000 were Federal funds. And what are some of the other results reached by these research projects in the last 7 years?

Dr. Hutchinson told NASA that people get angry when they feel cheated and tend to clench their jaws or even scream and kick. NSF learned that Dr. Hutchinson's monkeys became angry when they were shocked and would try to get away from the shock. In addition, NSF was informed that drunk monkeys do not usually react as quickly or as often as sober monkeys and that hungry monkeys get angry more quickly than well-fed monkeys.

The Office of Naval Research appears to have gotten the same type of so-called research as did the NSF and NASA.

It is very interesting to trace the history of these extremely similar and perhaps duplicative projects. In 1967, NSF gave Dr. Hutchinson $44,700 to study environmental and physiological causes of aggression. For 2 years

Dr. Hutchinson studied the biting reactions of monkeys when they received electric shocks. He also compared their reaction while being given a number different drugs such as alcohol and caffeine. In 1969, the NSF gave Dr. Hutchinson another $26,300 to continue these experiments. He received another grant, this one for $51,200 in 1970 from the NSF.

By this time Dr. Hutchinson was ready to extend his work to human biting and jaw clenching. In 1970, Dr. Hutchinson received a grant which ran for 5 years from the ONR to continue research on subhuman primates to determine the environmental, physiological, and biochemical factors responsible for the maintenance of aggressive behavior and systematic replication of results obtained in primates extended to human subjects. Total funding from the Navy ran to $207,000.

During this period, Dr. Hutchinson applied for and received a $50,000 grant from NASA to develop measurements of latent anger or aggression in humans by means of jaw clenching. In addition, Dr. Hutchinson received his fourth NSF grant in 1972 for $51,800 in order to continue his experiments on monkeys and extend the work to human jaw clenching.

Dr. Hutchinson who in addition to being research director at Kalamazoo State Hospital, is also an adjunct professor at Western Michigan University and president of his own nonprofit Foundation for Behavior Research, has proposals presently pending before the NSF, the National Institute of Drug Abuse, and the National Institute of Mental Health to continue research on monkeys' drinking, drug and jaw-clenching habits. If Dr. Hutchinson is successful in this new grantsmanship attempt, he would receive an additional $150,000 of taxpayer's money.

The funding of this nonsense makes me almost angry enough to scream and kick or even clench my jaw. It seems to me it is outrageous.

Dr. Hutchinson's studies should make the taxpayers as well as his monkeys grind their teeth. In fact, the good doctor has made a fortune from his monkeys and in the process made a monkey out of the American taxpayer.

It is time for the Federal Government to get out of this "monkey business". In view of the transparent worthlessness of Hutchinson's study of jaw-grinding and biting by angry or hard-drinking monkeys, it is time we put a stop to the bite Hutchinson and the bureaucrats who fund him have been taking of the taxpayer.

RONALD R. HUTCHINSON'S REPLY TO GOLDEN FLEECE AWARD, APRIL 18, 1975, DEFENDANTS' TRIAL EXHIBIT 63, U.S. DIST. CT., W.D. OF WISC.

Aggression and violence are major social problems. Every citizen knows the serious results of violent crime, vandalism, riots, and other forms of interpersonal hostility. Many billions of dollars are spent each year by government agencies, law enforcement groups, and insurance companies because of these acts. Of even greater importance are the countless human tragedies and sufferings which occur. Sometimes these acts are the result of serious hardships or stressful conditions in a person's immediate environment, at other times no current reason for such behavior is apparent.

The work of the research program at the Kalamazoo State Hospital has resulted in development of some of

the most precise and accurate methods now available for the study of aggression in several animal species. Experiments have clarified how several general types of environmental stress are capable of provoking anger and aggression. Using these methods it has been discovered that certain drugs are selectively capable of reducing such reactions. Other drugs often medically used for this purpose have been found to be far less selective in their effect. Further research has discovered how some "drugs of abuse" increase while others decrease tendencies toward violent aggression. As this work has progressed over the years it has become possible to develop an objective and reliable method for the laboratory measurement of anger in normal human volunteers.

As the understanding of the causes of anger, aggression, and violent antisocial acts has become more clear the possibility of improved treatment for individuals and corrective action for their environments comes closer to reality.

Four Federal agencies have reviewed this work. These reviews are conducted at the time of grant application and yearly thereafter. Each funding application is subjected to review by scientists from both inside and outside of the agencies who are experts in the field. Each agency is always fully informed of other support which the researcher is currently provided or which is under review. Funding by these agencies is tailored to support specific projects for which no other support is provided.

Senator Proxmire berates and ridicules these agencies and their "bureaucrats" for the support of this research and the process by which the support was provided. He further evaluates the work as "transparent worthless" research. By disrupting the orderly process of governance,

by belittling the reviews of the scientific funding agencies, and by public, uninformed, and inexpert discredit of work which is so socially necessary, he causes a disservice to his constituents and to the country.

NEWSPAPER ARTICLE, KALAMAZOO GAZETTE, APRIL 18, 1975, RE: RONALD R. HUTCHINSON'S REPLY TO GOLDEN FLEECE AWARD, PLAINTIFF'S TRIAL EXHIBIT 32, U.S. DIST. CT., W.D. OF WISC.

He Gets Sen. Proxmire 'Fleece Award'

KALAMAZOO SCIENTIST DEFENDS HIS MONKEY AGGRESSION STUDY

By ROBERT LEWIS AND JAMES SHAMP, Gazette Staff Writers

Sen. William Proxmire, D - Wis., today called federally funded studies on aggression at the Kalamazoo State Hospital Research Department "transparent worthlessness," while scientists at KSH defended them as "socially necessary."

Proxmire, a frequent critic of Pentagon waste, recently has turned his guns on federal support of basic scientific research with public releases of "Fleece of the Month Awards."

Other recent "award - winners" have included a University of Minnesota study of why people fall in love and a Michigan State University investigation of the sexual activity of some college women.

Dr. Ronald R. Hutchinson, KSH research director, says his experiments with monkeys and other animals are pro-

viding necessary groundwork for a better understanding of human aggression and improved treatment of hostility.

The research program at KSH has received more than one-third of its support from the State Department of Mental Health.

But the Proxmire lambast resulted from some $431,000 in grants during the past seven years from the Office of Naval Research, the National Science Foundation and the National Aeronautics and Space Administration.

State funding for Hutchinson's research was withdrawn in January, and, according to the medical superintendent of KSH, Dr. William Decker, the research department will be "terminated" as of July 1.

"The only relationship between Dr. Hutchinson and KSH is that we made available an empty building on our grounds," said Dr. Decker today. "We also provided some accounting services for him.

"But last fall, the Department of Mental Health asked that every state institution re-evaluate its programs. When we did that, our conclusion was that our primary consideration should be the direct care to the patients. So we did recommend to the department that this program be terminated," Dr. Decker said.

He said the Burns Building in which the research project is located would probably be used to house a local substance abuse program—now housed in a KSH building slated for demolition.

Dr. Decker did not say if Hutchinson's research was dropped for other than economic reasons, and said that Hutchinson is "seeking to affiliate himself with other sponsors" to keep the research project going.

"To be fair to Dr. Hutchinson, you'd have to look at the whole project—what its goals and objectives are, and its intent related to the problems of the human individual," Dr. Decker said of the Proxmire statement.

Proxmire said in his statement today that the Hutchinson research studies, which have included measurements of such reactions as jaw clenching in monkeys to log aggressive reactions, "makes me almost angry enough to scream and kick and even clench my jaw."

"It's time for the federal government to get out of this 'monkey business,' " said Proximire. "In view of the apparent worthlessness of Hutchinson's study of jaw-grinding and biting by angry or hard-drinking monkeys, it's time we put a stop to the bite Hutchinson and the bureaucrats who fund him have been taking out of the taxpayer."

The KSH research has included studies into the relationship of stress to drug abuse, alcoholism and other "self-destructive" behavior, and has shown that monkeys which are generally not interested in booze will drink alcohol in the face of an electrical shock stimulus.

A front-page feature story outlining the work at the KSH Research Department appeared in The Gazette last Dec. 8.

Hutchinson, who holds a Ph.D. in experimental psychology from Yale and formerly was on the Western Michigan University faculty, started his research part-time at the Fort Custer State Home in 1968.

When the Fort Custer facility was closed in 1972, the state Department of Mental Health moved Hutchinson's lab to KSH and provided seed money to hire staff and make it a full-time research facility.

After developing what Hutchinson described as "some of the most precise and accurate methods" available to measure anger in monkeys and other animals, Hutchinson says his experiments have helped show how such things as environmental stress provokes aggression.

"Using these methods it has been discovered that certain drugs are selectively capable of reducing such reactions," Hutchinson said.

Hutchinson said part of his work has been aimed at getting away from treating aggression with large doses of tranquilizers, which has a "general sedating effect."

"Tests like ours are the only way to assess therapeutic doses at low and intermediate levels, possibly leading to development of new compounds that will be more selective in their effects upon limited, specific emotions."

"Even in general medical practice, there was a time when diagnostic screening was done on the basis of interviews and observations. Now lab tests can tell doctors infinitely more.

"We have to use similar methods for psychological screening. As it is now, much diagnosing and prescribing is done by psychologists and psychiatrists on the basis of interviews and observations," said Hutchinson.

"But when you don't go through the process of full discovery and scientific review, it really throws the whole thing up for grabs."

Hutchinson said that even though Proxmire's blast "poses a very major threat to our continued funding, I'm really not unhappy with the ostensible goals of the senator.

"Waste and corruption in government certainly is a problem and needs monitoring. But by using the public

media like this, he states the issues oversimply, doesn't provide for give and take through a committee process, and he leaves an agency defenseless if it wants to deal in good faith."

But Hutchinson added, in response to Proxmire's statement, that "by disrupting the orderly process of governance, by belittling the reviews of the scientific funding agencies, and by public, uninformed and inexpert discredit of work which is so socially necessary, he causes a disservice to his constituents and the country."

Hutchinson said he has received calls of support from several funding agencies, and said that the agencies which have reviewed his work have been berated and ridiculed by Proxmire.

A National Science Foundation spokesman defended the Hutchinson research, noting the high cost in human lives and property from wars and crime which produce a need for better understanding of aggressive behavior.

MEMORANDUM BY FRED STOLLNITZ RE: CONTACT WITH MORTON SCHWARTZ, APRIL 21, 1975, PLAINTIFF'S TRIAL EXHIBIT 17, U.S. DIST. CT., W.D. OF WISC.

United States Government

MEMORANDUM Dated: April 21, 1975

TO: Congressional Liaison Office, GPP

VIA: Deputy Assistant Director for Research

VIA: Division Director, BMS

FROM: Associate Program Director for Psychobiology, BMS

SUBJECT: More Problems with Hutchinson Raised by Morton Schwartz of Senator Proxmire's Staff

Mr. Schwartz phoned this afternoon, saying that he had "additional information, some of which is evidence and some of which is speculation," about Ronald R. Hutchinson of Kalamazoo State Hospital. The two points that concerned him were a patent issued to Hutchinson for use of nicotine in treating aggression or anger, and alleged mismanagement of Federal funds by Hutchinson.

After Senator Proxmire's press release about Hutchinson appeared, a patent attorney told Schwartz about a patent that he (the lawyer) had set aside for use as a joke with his patent-lawyer friends. When one of these friends smoked a cigarette, the lawyer would tell him he was breaking a patent, and would pull out Hutchinson's patent for use of nicotine. The lawyer told Schwartz that the patent was worthless and would be broken easily if it were worthwhile for anyone to do so. But Schwartz

was interested in the fact that the patent had been assigned to Hutchinson's Foundation for Behavioral Research, and not to any of the Federal agencies that had supported Hutchinson's research. Schwartz said that was, at best, questionable, since the patent application cited as documentation a paper that acknowledged partial support from ONR, NASA, NSF, the Michigan Department of Mental Health, Western Michigan University, and Philip Morris, U.S.A. Schwartz speculated that Hutchinson might defend himself by claiming that a non-Federal agency had supported the research directly (illegible) leading? to the invention. I said that, to the best of my knowledge, Hutchinson had not notified NSF of any invention. I recognized that he had reported his research findings on the effects of nicotine, and Schwartz mentioned that the paper cited in the patent application had been sent to NSF with a letter to Dr. Sasert dated January 27, 1972. (The paper, entitled "Effects of Nicotine on Avoidance Conditioned Suppression and Aggression Response Measures in Animals and Man," by Hutchinson and Grace S. Emley, has since been published as a chapter in a book entitled *Smoking Behavior: Motives and Incentives*, edited by W. L. Dunn and published in 1973 by V. H. Winston of Washington, D. C.)

Schwartz also said he had learned that the termination of Hutchinson's position at Kalamazoo State Hospital was not the result of lack of research funds in the Michigan Department of Mental Health (the reason that Hutchinson had given me on January 27, 1975), but because Hutchinson had allegedly mismanaged research funds. Schwartz said he wanted to "handle this very properly for Hutchinson," and asked if I knew of anything that would confirm or deny his information. I said that a memo to the same effect had been circulated at NSF last Friday, but as

far as I knew these were merely allegations. Schwartz said he understood that the FBI and Michigan Attorney General's investigations alleged that there was intent involved, and tried to get criminal charges brought, but there was insufficient evidence. Nevertheless, he wondered what steps NSF was taking in checking, auditing, or otherwise following up. I said that our Grants Officer knew of the investigations and that, considering the involvement of the FBI, there did not seem to be anything else we should do at the moment. Mr. Schwartz said he was concerned that the same proposal that Hutchinson had just submitted to us had also been submitted to NIMH, and that NIMH might make an award without knowing of the situation. He asked if I would feel obligated to tell them what I knew. I said I would not tell them about allegations, but that if Hutchinson were convicted of something I would tell them that if I learned that they were going to make an award; however, I said that even if there were a conviction I was not sure what the implication should be for future awards. Schwartz suggested that it should have no hearing on the decision about whether or not to fund a scientifically meritorious project, but that it would call for doubly cautious monitoring and auditing of the use of the funds. He asked if we had learned of the problem only late last week; I said that one of the Federal audit agencies had notified NSF of the investigation some time ago, within the last year.

Schwartz said he was going to draft a letter for Senator Proxmire to send, without publicity, to the heads of the several Federal agencies that had supported Hutchinson's research, asking what information the agency had about the two points we had discussed and what the agency had done to follow up. He saw this case as related to

the general point that Senator Proxmire had made about the monitoring. I asked if he knew how many projects each NSF program officer was responsible for; he did, and was aware of differences between AD/R and AD/RA in this regard. I pointed out that as the funding situation for research had gotten tighter in other agencies, NSF had been swamped with proposals, and without a proportionate increase in staff, program officers had inevitably given priority to reviewing proposals, rather than to post-award monitoring except through review of renewal proposals, in order to assure that Federal funds were being awarded for only the most meritorious projects. Schwartz said he considered NSF's "front-end" review excellent, but "on-going review is a weak spot." I asked if he and the Senator were pressing for increased staff for NSF so that we could better carry out that responsibility. He said that if the Director made a strong case for more staff to improve research management, he would probably get a sympathetic hearing. Schwartz said he had attended only parts of the NSF hearings (his responsibility is to investigate Labor and HEW), but his impression was that Dr. Stever was not making an urgent case for more staff but was instead pleading for more money to support research. Schwartz said the case for increased staff would have to be well documented in terms of workload, or else it would sound like "any other Federal bureaucrat asking for more staff."

Schwartz said he had spent only a week investigating Hutchinson and he came up with several indications that something peculiar was going on. I asked what the indications were, so that we might be more alert for future problems. He said he was surprised that Hutchinson had been vice president of one research group and had then founded his own organization. He had called Michigan State (I assume he meant Western Michigan Univer-

sity) and learned that Hutchinson had worked out complicated deals for the use of personnel and facilities, with large monetary values. (I assume this was while Hutchinson had grants at Western Michigan and was conducting research at Fort Custer State Home, where he was Research Director). Schwartz was also suspicious of what seemed to be duplicative funding from several agencies, and he menticned the patent (which he learned about only after the press release, as I understand it). Schwartz also said he had received communications from former colleagues of Hutchinson (it was not clear to me whether these came before or after the press release), who had charged that Hutchinson had put his own name on work done by others—a review paper in the Nebraska Symposium on Motivation had been specifically mentioned. Schwartz noted that this might be just normal academic backbiting by disgruntled individuals, and he mentioned one former colleague who said that Hutchinson was bright, had done some fine work, and was "playing the same game we all do," but was playing it in a way that seemed to the former colleague to go beyond the bounds of propriety, with Hutchinson giving no regard to anything but the outcome (positions, salary, grants, prestige). I said that the peer review system is our best safeguard against such improprieties, because reviewers who are actively working in the same research area will blow the whistle if they see an applicant trying to take credit for others' work. (I did not say that they are less likely to blow the whistle if the applicant is taking credit for work done by others in the applicant's laboratory. On the other hand, it could be argued that an individual who organizes and directs a productive laboratory should be the one who is designated Principal Investigator on research grants that support the work of the laboratory.)

Fred Stollnitz

EXTRACT FROM AUDIT REPORT OF THE RESEARCH DEPARTMENT OF KALAMAZOO STATE HOSPITAL, DEPARTMENT OF MENTAL HEALTH, SEPTEMBER 15, 1968 THROUGH AUGUST 20, 1974, DEFENDANTS' TRIAL EXHIBIT 106, U.S. DIST. CT., W.D. OF WISC.

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Management Control Exercised Over Research Department

The research department was phased in as a mental health program after it was transferred from the psychology department of Western Michigan University to the Fort Custer State Home in August 1968. In July 1972, the central office of the Department of Mental Health directed that, because the Fort Custer State Home had been discontinued as a mental health facility, the research department be relocated in the Burns Building at Kalamazoo State Hospital. Since its inception, the research department's mental health related goals or objectives were not clearly delineated; this made it difficult to evaluate program performance or to determine the relationship or priority of the research endeavor to Michigan's mental health system. To best exemplify the aforementioned conditions, we present the following quote from a self-evaluation report issued in October 1974 by the research department:

> ". . . The purpose of the research program and the ultimate standard by which it must be judged is development of the knowledge necessary to improve Mental Health Treatment Programs. In this context it must be noted that no known benefits

have yet resulted from Research Department efforts."

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Page 3

The research department conducts research funded by two federal grants and one federal contract in addition to State funding. For fiscal year 1972-73, the Legislature authorized $273,200 for research activities. The authorization included $75,000 appropriated from the State general fund and $198,200 to be obtained from federal grants. These grants were for research for the Office of Naval Research, the National Science Foundation, and the National Aeronautics and Space Administration.

Appropriations for the 1973-74 fiscal year made $214,500 available for research, with $87,600 provided from the State general fund and $126,900 from federal grants. During our audit period, five full-time employees were paid from the funds appropriated from the State general fund. Federal grant and contract funds were utilized to pay the salaries of approximately an additional seven full-time equated employees.

During the course of our audit of Kalamazoo State Hospital, the recently appointed administration voiced concern and requested an audit of the management and administration of the research department. From discussions with current and past management personnel of both Kalamazoo State Hospital and Fort Custer State Home, it became clear that, at least in the minds of the medical superintendents, the research department was established by the Department of Mental Health and functioned primarily as a part of the central office. Previous directors of the Department of

Mental Health seemed to have assumed line authority and responsibility for the research department activities, irrespective of the research function being appropriated as a hospital activity. The respective hospital management generally functioned in the capacity of providing administrative services only. The "hands off" policy mandated to the local hospital administration, and the lack of on-site supervision by the central office, resulted in the director of the research department developing his program and functioning as an autonomous entity.

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Page 4

A review of research department operations indicated that the research director operated autonomously and with almost complete disregard for management practices.

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Page 5

c. The hospital administration constantly informed the research director that he was overspending the allotments in his research grants. In one instance, his reply to the business office was that the business office had instituted "illegal accounting practices" and he continued to spend funds. In order to cover the overspending, grant funds for the next fiscal year were reallocated to the current year.

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e. Although the State equipment policy prohibits the use of State-owned equipment for personal needs, the research director established a laboratory policy enabling employees to take equipment home for personal use.

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(c) Although the research grants were awarded to the respective State hospitals by the respective federal agencies, the research director, being the principal investigator only, requisitioned large quantities of federal excess equipment and supplies without prior approval of the hospital administration.

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(e) The research director reportedly requested permission of the Fort Custer State Home administration to obtain a grant from Philip Morris to study the effects of nicotine on aggression. At that time, the hospital administration apparently indicated no desire to involve the Department of Mental Health in this type of research. The research director proceeded to accept the Philip Morris grant as an officer of the Behavior Development Corporation. This private nonprofit corporation was used as a means through which the money was channeled for grant expenditures. The actual research was conducted in the laboratory at Fort Custer State Home. No control over the revenue, expenses or activities for the grant was exercised by the hospital administration.

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(h) The research director without approval or knowledge of mental health management personnel initiated various means of generating departmental revenues. Revenues from a variety of sources

were commingled in a maze of checking and savings accounts in the name of the research department, with supporting accounting books and records maintained in a haphazard manner.

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In violation of State and federal statutes and rules and regulations specifically relating to the disposition of State and federal excess and surplus property, the research director sold public-owned equipment, supplies and material. The research director established a practice of holding closed auctions and pre-priced sales which were attended only by research department staff, friends and associates of the research director. In those instances when no in-house sale could be consummated, a research department employee was designated to locate and consummate a sale to a private firm or individual. Some research department personnel referred to the items sold as junk, whereas others along with several private firms stated the items purchased were either in personal or family use and in some instances resold at a profit. Statements were also received that, on at least one occasion, research department employees accompanied the research director on a visit to the State-federal surplus property warehouse in Lansing to acquire items for their personal use. The service fee charged upon requisition of the items was charged against State funds whereas the sales revenue was deposited in the research department accounts.

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(1) Three squirrel monkeys were sold to Ohio State University and two to the National Institute of Health for $15.00 each (while at Kalamazoo State Hospital—KSH).

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As previously indicated, costs incurred which may be attributed to these [Philip Morris] grant awards were minimal in relationship to the amount received, and the State of Michigan received no indirect or overhead cost reimbursement. Subsequent to the completion of both projects, it was evident that a sizable unencumbered cash balance had been created. In March 1972, the research director and several of his staff formed and became officers of a nonprofit corporation entitled "Foundation for Behavioral Research." The research director informed us that he was advised that this would be a good way to avoid paying taxes on the profits derived. A review of the records disclosed that the research director transferred assets of $23,226.06 to the Foundation for Behavioral Research account. Of this amount, $3,000 was immediately transferred back to the research department account. Considering that all monies held by the research department had been commingled and with no legal restraints on expenditures, we were unable to ascertain how the research director was able to determine which portion of the balance would be transferred to the foundation account.

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5. *Investment of Excess Funds Held by the Research Department*

As has been previously stated, all receipts of the research department, irrespective of the source, were commingled in the various accounts maintained by the research department. Further, with the exception of the tentative budgets presented as a part of the Philip Morris grant documents, no restrictions or restraints were placed on the use of these funds. For this reason, it is not possible to formally identify which receipts by source were used for which expenditure purpose, or to identify the equity balance by source.

The research director, faced with a sizable cash balance, stated that he decided on three methods to invest the excess funds. The methods were to deposit monies in interest bearing savings accounts, to make loans or advances to research department employees and associates, and to invest in the stock market. Following is a summary of these investment activities:

a. *Savings Accounts*

During the period May 19, 1971 to July 17, 1973, three savings accounts were utilized for varying periods of time. The accumulative principal deposited totaled $14,500 and the interest earned amounted to $276.29.

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b. *Loans and Advances to Research Department Employees and Associates*

Thirty-two loans and advances totaling $43,279.76 were made since the inception of this practice in August 1969. Although several loans were non-interest bearing, interest income amounted to $3,252.48. Loans in the amount of $24,779.76 have been repaid, including a repayment in the amount of $500 which was received for services rendered by an employee. Loans to the research director in the amount of $18,500, which were secured by a second mortgage, were outstanding as of August 1974. The loan receivable asset was transferred to the Foundation for Behavioral Research on May 1, 1974.

It was also noted in comparing loan repayment records to deposits in the accounts of the research department that payments totaling $321.10 could not be identified as deposited.

c. *Stock Transaction*

Our review of the books and records of the research department indicated that the stock of fourteen companies was bought and sold during the period April 30, 1971 to February 15, 1973. The net gain on these transactions amounted to $2,818.15.

Upon noting that the stock transactions were made in the individual names of research department employees, we inquired as to the intent. The research director stated that this was necessary because the research department did

not have a federal identification number necessary for tax purposes. He further stated that any taxes resulting from these stock transactions would have been paid on the individual tax returns. We were unable to locate any reimbursements to the employees for taxes paid on behalf of the research department. Further, one employee stated that she did not recall paying taxes on the stock transactions in her name.

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The research director contends that the stock transactions were made in behalf of the nonprofit corporation, although as previously stated the nonprofit corporation was not established until March 1972. Further, all monies were received and disbursed from the research department accounts which consisted of commingled monies from a variety of sources. Concerned that the nonprofit corporation would show a profit, the research director stated that in early 1973 the Foundation for Behavioral Research awarded $3,000 to the research department to present a retreat-seminar in Nassau. As has been previously stated, the initial corporate officers of the foundation were all research department employees. In order to make the $3,000 award, $3,000 was withdrawn from the research department accounts, deposited in the foundation account, and a check drawn on the foundation account to the research department account. The entire transaction took place on February 28, 1973.

Administrative leave for the Nassau trip was requested and authorized by the medical super-

intendent for fourteen department employees, covering the period April 28, 1973 through May 6, 1973. The salary costs for those employees authorized to attend amounted to $2,646.00. Subsequent discussion with the medical superintendent indicated that the approval was based on the facts as presented at the time. The research director had informed him that the research department had been awarded funds by a private foundation to cover the expenses of attending a scientific retreat-seminar. The superintendent stated that he was not advised that the foundation was comprised of research department employees, nor that research department employees and their families would be the only persons present.

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In our attempt to categorize and identify expenditures, we were required to rely on statements of expenses provided us by the research director, scraps of paper, verbal information provided by the research staff, and various supporting documents. In summary, it should be stated that we cannot attest to the complete accuracy of the categories of expenditures because of inadequate documentation.

We present the following ten categories of expenditures, some of which appear to be questionable as relating to either research endeavors or State operated programs. These categories do not include expenditures relating to activities previously discussed in prior sections of this report:

Lighthouse Expense	$6,278.45
Travel Expense	$6,408.12
Flying Club Payments	$1,305.61
Student Mileage and Tuition	$ 408.92

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Gifts and Bonuses to State and Retired Federal Employees and Other Individuals	$1,871.60
Human Subject Expense	$1,960.00
Labor	$9,951.79
Entertainment Expense	$ 862.42
Miscellaneous Expense	$2,292.97
Unidentifiable Purpose	$1,473.26

Pertaining to these expenditures, we present the following descriptive data:

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b. *Travel Expense*

These expenses were incurred for research staff trips to acquire surplus properties, to attend conventions and for various other trips. Some examples and reasons for these trips are illustrated below:

Present the Findings of a Philip Morris Research Project (partially reimbursed)	$ 508.66
Retreat-Seminar Held in Nassau for Research Department Employees	$3,000.00
Attendance at Nine Conventions by the Research Director and Staff	$2,249.67*
Acquisition of Surplus Properties	$ 178.66

*Includes payment to Western Michigan University of $501.21 for the research director's attendance at two conventions. These costs were initially charged to university accounts, but were subsequently denied by the university because grant funds were exhausted.

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e. *Gifts and Bonuses to State and Retired Federal Employees and Other Individuals*

The documentation provided us for these expenditures indicated that gifts were given to federal employees upon their retirement, a separating research department employee, the research director's father, and to members of the Fort Custer State Home administration when closing the facility. Gifts and Christmas bonuses were also given to the research department staff.

The following data illustrates some of the expenditures from the research department accounts:

Cash Bonuses Given to Research Staff	$ 1,145.00
Gifts of Alcoholic Beverages	$ 71.64
Gifts to Two Retired Federal Employees	$ 145.50
Gifts to Three Members of Fort Custer State Home Administration	$ 167.73

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Gifts to an Employee Discontinuing Research Employment	$ 29.12
Pipes for an Acquaintance and the Father of the Research Director for Services Provided	$ 15.00

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i. *Miscellaneous Expense*

This category includes a wide variety of expenditures from the research department accounts. We present the following examples of some of the expenditures derived from the records available to us:

Research Director's Consulting Psychologist Certification Fees	$ 75.00
Purchases of Materials Relating to Stock Investments	$313.45
American Psychological Association Dues	$ 33.00
Flight Training Manuals	$ 54.88
Subscription to Coin World	$ 6.00
Research Director's Parking Violation	$ 12.00
Internal Revenue Service Bulletins	$ 4.00
Research Staff Notary Fee	$ 22.70
Research Staff Dentist Bill	$ 8.00
Newspaper Advertisements to Sell Equipment and to Employ Warehouse Help	$ 21.85

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j. *Unidentifiable Purpose*

Neither the research department staff nor the books and records maintained indicated the purpose for which $1,473.26 was spent. A review of the canceled checks, however, indicated that some of the checks were made payable to:

The Research Director	$154.79
The Research Department Staff	$377.28
Other Individuals	$571.53

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NEWSPAPER ARTICLE, GRAND RAPIDS PRESS, RE: AUDIT OF KALAMAZOO STATE HOSPITAL RESEARCH DEPARTMENT, MAY 9, 1975, DEFENDANTS' TRIAL EXHIBIT 104, U.S. DIST. CT., W.D. OF WISC.

AUDIT ADDS LEGAL HEAT TO MONKEY STRESS RESEARCH

LANSING — Three state agencies are intensifying investigations into the multimillion-dollar activities of a "monkey research" unit at Kalamazoo State Hospital following an auditor general's report.

National attention had been focused on the unit recently for spending more than $400,000 in federal and state funds for a study of stress in monkeys.

But Auditor General Albert Lees' report Thursday said there are serious questions involving the use of literally thousands of items of federal and state "surplus" equipment ranging from nuts and bolts to computers and an airplane.

Also being investigated are the practices of a purportedly nonprofit foundation formed by the research director and his employes which, among other things, invested in the stock market with public funds, and paid for a trip to the Bahamas for staff aides.

State agencies carrying out the investigations are the Attorney General's Office, the State Police and Department of Treasury.

At the heart of the controversy is Dr. Ronald Hutchinson, a Yale-educated experimental psychologist and engineer whose $25,000-a-year state job as director of the

Research Department at Kalamazoo State Hospital is being eliminated.

Hutchinson has declined comment on the audit report, saying he was asked by Dr. William Decker, hospital superintendent, not to talk at this time.

Decker, in turn, said that the research department's work will be ended June 30 because he and Department of Mental Health officials decided there was little, if any, benefit for the hospital's primary aim of treating emotionally ill patients.

In 1972-73, the Legislature authorized $273,200 for the research unit's activities, including $75,000 in state funds, and $198,200 to be obtained from federal sources. For 1974-75, $214,500 was authorized, including $87,600 from the state and $126,900 from federal agencies.

It's possible that some of the most recently allocated funds may not be spent or may be recovered before the project is ended June 30, officials said.

Dr. Donald C. Smith, acting director of the Department of Mental Health, said a new research project-review procedure is now tentatively in effect which would put any future such proposals through an exhaustive consideration process.

State Sen. John A. Welborn, D-Kalamazoo, said he was "shocked, dismayed, and frustrated beyond belief of what has been allowed to happen with state and federal tax dollars," in the case.

However, Welborn said the blame for "this total lack of management and deliberate defiance of proper fiscal control" belongs on the previous administration of the Department of Mental Health, rather than on the present officials of the hospital or state department.

It was the former state director, Dr. E. Gordon Yudashkin, who ordered a "hands-off" policy of independent operation for the research unit, Welborn said.

The auditor general's report gave these general categories of problems:

"Inadequate accounting for funds independently administered by the Research Department"; "public funds improperly administered by the Research Department"; "use of public facilities and equipment for the conduct of unauthorized programs"; "unauthorized use of personal residence as work station, and performing unauthorized duties during scheduled working hours"; "entering into unauthorized use permits and agreements with the Department of Natural Resources" (for use of two lighthouses); and "unauthorized capital outlay projects."

Dr. Hutchinson, also billed the federal government for flying club payments for himself for $1,305.61, the auditor's report said.

The federal surplus property included a Cessna airplane, a radio transmitting set, a generator mounted on a trailer, seven U.S. Navy flight jackets, 17 sleeping bags, 40 blankets and a ping pong table, the audit said.

"He apparently decided to take flying lessons in case the airplane was made airworthy," Decker said.

The Research Department originally was operated by Western Michigan University's department of psychology. It later was transferred to Ft. Custer State Home in August of 1968. When the state home was phased out as a mental health facility in 1972, the project was transferred to the Burns Building at Kalamazoo State Hospital.

The two lighthouses acquired by Hutchinson for the stated purpose of use as "research conference centers and

for retreats" were the Sturgeon Point Lighthouse at Harrisville State Park and Big Sable Lighthouse at Ludington State Park.

Both were acquired through use permits given by the Department of Natural Resources. The state owns the Harrisville lighthouse, but the DNR itself has access to the Ludington lighthouse by a use permit by the U.S. Coast Guard.

The Harrisville lighthouse was vacated by the Research Department after extensive remodeling before the state audit, but Hutchinson has continued to try to retain the Big Sable lighthouse, the auditors said.

An extensive section of the audit deals with the use and disposal of millions of dollars of surplus federal equipment. The audit report said that more than $1 million worth of equipment and supplies was obtained free over six years from the federal government by the Research Department.

Hutchinson himself said in an interview last month that he had obtained equipment worth anywhere from $2 million to $4 million.

Most of the equipment was junked or second hand and would have been disposed of by the federal government anyway, he said.

"I'm really just a high-paid begger," Hutchinson said in the interview then.

The auditors, however, said that "in violation of state and federal statutes and rules and regulations," Hutchinson sold public-owned equipment, supplies and material.

"The research director established a policy," the audit said, "of holding closed auctions and pre-priced sales which

were attended only by research department staff, friends and associates of the research director."

The receipts of the sales, the auditors said, were processed as private funds of the research department with no reimbursements to the state.

Among the items sold by Hutchinson, the auditors said, were:

—Three squirrel monkeys, which cost up to $140 each originally, were sold to Ohio State University and two to the National Institute of Health for $15 each;—A floor jack was sold for $1 to a research department employee who said he in turn sold it to a friend for $50;

—Gold was sold on four occasions for a total of $517.54. The gold was obtained by "cannibalization" of electronic components and gold welding rods acquired through federal government excess property;

("Correspondence relating to one sale indicated that the gold was represented as having been inherited by the research director and a research department employe," the audit said.)

. . . A riding lawn mower obtained at Ft. Custer State Home was reconditioned and sold by Hutchinson through a newspaper advertisement for $175.

"The conduct of autonomous one-man operations of this nature," the auditors said, "especially where records and controls are minimal at the best, can have a serious impact on the public trust, confidence and credibility of public officials."

NEWSPAPER ARTICLE, DETROIT FREE PRESS, RE: AUDIT OF KALAMAZOO STATE HOSPITAL RESEARCH DEPARTMENT, MAY 9, 1975, DEFENDANTS' TRIAL EXHIBIT 59, U.S. D.C., WESTERN DIST. OF WISC.

STRANGE EXPENSES AT HOSPITAL GET RESEARCHER FIRED

LANSING —(AP)— State auditors report thousands of dollars in unusual expenses for research at Kalamazoo State Hospital.

Dr. William Decker, hospital director, said Thursday that the head of the research department has been fired, effective June 30, and 13 other employes also will be let go when the research department is phased out on that date.

DR. RONALD Hutchinson, a psychologist and head of the research department at the mental health hospital, billed the federal government $8,278.45 for a lighthouse in Ludington and $1,305.61 for flying club payments for himself, the report by state Auditor General Albert Lee said.

Because his department was funded primarily through federal grants, Hutchinson was able to acquire at no cost federal surplus property that was unrelated to his research, Lee and Decker said.

The surplus property included a Cessna airplane, a radio transmitting set, a generator mounted on a trailer, seven U.S. Navy flight jackets, 17 sleeping bags, 40 blankets and a ping pong table, the audit said.

Acquired "for personal use by the research staff" were a rifle scope, a sun compass, a gas generator, an oscillograph and four blasting machines, the audit said.

Hutchinson's department got $126,000 in federal funds in 1974.

When the auditors were unable to find a ping pong table, two picnic tables, two refrigerators and an air conditioner which were supposed to be at the state hospital, they were told that, except for the air conditioner, the items were at the lighthouse.

"He (Hutchinson) said the lighthouse could be used for seminars," Decker said.

Hutchinson was not immediately available for comment.

NEWSPAPER ARTICLE, DETROIT NEWS, RE: AUDIT OF KALAMAZOO STATE HOSPITAL RESEARCH DEPARTMENT, MAY 9, 1975, DEFENDANTS' TRIAL EXHIBIT 57, U.S. D.C., WESTERN DIST. OF WISC.

BARGAIN DAYS COST STATE RESEARCHER HIS JOB

The head of a research program at Kalamazoo State Hospital has been fired for his alleged involvement in a number of illegal actions which included selling melted-down, federal surplus gold welding rods as heirloom gold.

The researcher, Dr. Ronald Hutchinson, will be out of a job June 30, according to hospital director Dr. William Decker, because of the "mess he created." Grants supporting Hutchinson's work will run out at that time.

Disclosure of Hutchinson's activities came from an investigation of the hospital's Research Department by State Aud. Gen. Albert Lee.

Lee's investigation found Hutchinson also held closed auctions and pre-priced sales for friends, and co-workers at which a variety of equipment belonging to the state or federal government was sold at less than even bargain basement prices.

Hutchinson, according to the audit report sold a floor jack to a co-worker for $1. The co-worker in turn resold it to a "friend" for $50.00.

Also sold were wrenches, to a private surplus store; a riding lawn mower, a hair dryer, a 16 mm projector system for $50, a picnic table and air conditioner for $32, a drill press for $25 and three tents for $10 total.

The audit said Hutchinson "had no authority to sell public-owned equipment, supplies and materials or to keep the money as departmental funds."

"The conduct of autonomous, one-man operations of this nature, especially where records and controls are minimal at best, can have a serious impact on the public trust," the auditor general said.

The auditors also found that Hutchinson took a personal loan of $7860 from a special grant he received from the Phillip Morris Co. for research he was doing with monkeys. Only $128 of more than $40,000 in grant money was used for research, the audit showed.

Hutchinson, according to the audit, used some of the money - $222 for personal membership in a flying club - some more for buying stock in 14 companies in the names of research department employees, $2,600 for a department trip to Nassau in 1973, where only 14 of the 25 traveling on the money were from the department.

Flying club dues totaling $922 and plane charter fees costing $383 for Hutchinson were paid from money other than his own, the audit says.

Research department accounts also show that $1500 was spent for gifts and cash bonuses to the research staff and Hutchinson's father and alcoholic beverages.

NEWSPAPER ARTICLE, KALAMAZOO GAZETTE, RE: AUDIT OF KALAMAZOO STATE HOSPITAL RESEARCH DEPARTMENT, MAY 9, 1975, DEFENDANTS' TRIAL EXHIBIT 58, U.S. D.C., WESTERN DIST. OF WISC.

THE 'MONKEY' PROBE

Three State Agencies Looking Into KSH Research Project Case

LANSING — Three state agencies are intensifying investigations into the multimillion-dollar activities of the "monkey research" unit at Kalamazoo State Hospital following an auditor general's report.

National attention had been focused on the unit recently for spending more than $400,000 in federal and state funds for a study of stress in monkeys.

But Auditor General Albert Lee's report Thursday said there are serious questions involving the questionable use of literally thousands of items of federal and state "surplus" equipment ranging from nuts and bolts to computers and an airplane.

Another major issue being probed is practices of a purportedly nonprofit foundation formed by the research director and his employes which, among other things, invested in the stock market with public funds, and paid for a trip to the Bahamas for staff aides.

State agencies carrying out the investigations are the Attorney General's Office, the State Police and Department of Treasury.

At heart of the controversy is Dr. Ronald Hutchinson, a Yale-educated experimental psychologist and engineer who is director of the Research Department at Kalamazoo State Hospital.

Hutchinson has declined comment on the audit report, saying he was asked by Dr. William Decker, hospital superintendent, not to talk at this time.

Decker, in turn, said that the research department's work will be ended June 30 because he and Department of Mental Health officials decided there was little, if any, benefit for the hospital's primary aim of treating emotionally ill patients.

In 1972-73, the legislature authorized $273,200 for the research unit's activities, including $75,000 in state funds and $198,200 to be obtained from federal sources. For 1974-75, $214,500 was authorized, including $87,600 from the state and $126,900 from federal agencies.

It's possible that some of the most recently allocated funds may not be spent or may be recovered before the project is ended June 30, officials said.

Dr. Donald C. Smith, acting director of the Department of Mental Health, said a new research project-review procedure is now tentatively in effect which would put any future such proposals through an exhaustive consideration process.

The auditor general's report gave these general categories of problems:

"Inadequate accounting for funds independently administered by the Research Department"; "public funds improperly administered by the Research Department"; "use of public facilities and equipment for the conduct of unauthorized programs"; "unauthorized use of personal

residence as work station, and performing unauthorized duties during scheduled working hours"; "entering into unauthorized use permits and agreements with the Department of Natural Resources" (for use of two lighthouses); and "unauthorized capital outlay projects."

The Research Department originally was operated by Western Michigan University's department of psychology. It later was transferred to Fort Custer State Home in August of 1968. When the state home was phased out as a mental health facility in 1972, the project was transferred to the Burns Building at Kalamazoo State Hospital.

An extensive section of the audit deals with the use and disposal of millions of dollars of surplus federal equipment. The audit report said that more than $1 million worth of equipment and supplies was obtained free over six years from the federal government by the Research Department.

Hutchinson himself said in an interview last month that he had obtained equipment worth anywhere from $2 million to $4 million.

Most of the equipment was junked or second hand and would have been disposed of by the federal government anyway, he said.

"I'm really just a high paid begger," Hutchinson said in the interview then.

The auditors, however, said that "in violation of state and federal statutes and rules and regulations," Hutchinson sold public-owned equipment, supplies and material.

"The research director established a policy," the audit said, "of holding closed auctions and prepriced sales which were attended only by research department staff, friends and associates of the research director."

The receipts of the sales, the auditors said, were processed as private funds of the research department with no reimbursements to the state.

NEWSPAPER ARTICLE, "AUDIT CALLED UNFAIR, BIASED", KALAMAZOO GAZETTE, MAY 10, 1975, DEFENDANTS' TRIAL EXHIBIT 60, U.S. D.C., WESTERN DIST. OF WISC.

KSH Researcher Responds To Allegations

AUDIT CALLED "UNFAIR, BIASED"

By James Shamp
Gazette Staff Writer

The director of the Kalamazoo State Hospital Research Department says a state audit released this week alleging irregularities at the research facility was "unfair and biased."

Dr. Ronald R. Hutchinson said the wide-ranging audit report fails to differentiate between uses of public and private money by the research department.

Hutchinson said there are some "very strange omissions" in the audit report released to the public Thursday by the office of state Auditor General Albert Lee.

"In my opinion the auditor general's report is a collection of half truths, untruths and unsubstantiated opinions," Hutchinson said today.

"By the repetitious statements of inaccuracies and opinions, and the systematic failure to report all relevant facts, the document represents a malicious and potentially damaging statement.

"Recently I have read in several newspapers that I took federal grant funds and speculated in the stock market, that I billed the federal government for thousands of dollars for a lighthouse, that I spent government money for flying club payments and finally that I have been fired.

"Each of these reports is totally untrue. An optimist would take heart and know that fairy tales really do exist."

The researcher admitted, however, that "I stupidly deposited receipts from the sales of government surplus scrap into interest-bearing bank accounts."

"Even though we eventually used at least twice that amount to renovate public buildings, I would have been better off simply dropping that money on some state official's desk, or never having salvaged and sold that scrap."

The scrap Hutchinson referred to was listed in the audit report as more than $1 million in government surplus equipment and supplies, obtained free by the research department over a period of some six years.

Hutchinson said that the surplus material, most of which was declared worthless by the U.S. Department of the Navy and turned over to the state, was sold by members of the research department staff when representatives of the state surplus salvage depot in Lansing deemed the scrap valueless.

He said proceeds of the sales were then used to renovate an unused state building for a laboratory.

Hutchinson explained that the research department originated as a private project while Hutchinson was a full-time member of the Western Michigan University psychology faculty.

Because of a need for more space as Hutchinson's research expanded, he said, it was moved to the Fort

Custer State Home in 1968. But it wasn't until the project was moved to the Kalamazoo State Hospital Burns Building in 1972, when the Fort Custer State Home was closed, that the research project received public funding, Hutchinson said.

Up to that time, Hutchinson had been working on a study of the effects of nicotine on aggressive behavior, funded by the Philip Morris Co., and operated as a private research project, the researcher said.

"There's a great deal of self-serving in this audit report," said Hutchinson. "What the auditor general has done is give a public description of private affairs."

Hutchinson said that the private money entered the audit report even though Hutchinson had "an explicit promise from the auditors that the only reason they wanted to look into our private funds was to see that the records we presented to them as receipts from dispersal of public materials were accurate."

"What nobody can understand is that the whole program has never had a dollar from the state for supplies, materials or contractual services. So we renovated old buildings and surplus goods to keep the project alive," said Hutchinson.

He said the audit report implied many irregularities at the research department when they were actually procedural technicalities he wasn't aware of "because my background is that of a college professor" rather than a state bureaucrat.

"I got a fast, hard education from this audit," said Hutchinson. For example, he said, the nature of his job required that he work irregular hours. He said he had "an understanding" with his superiors at the Kalamazoo

State Hospital that he could perform tasks such as writing research findings and grant requests at his residence. "Even as the auditors were working in our department, I was doing some of my work at home. I had no idea that was going to become an 'irregularity' in the auditor's report. If I'd known that, I'd have been there (at his state hospital office) every morning, very conspicuous," he said.

He added that he understood the research department had the blessing of its superiors to use two abandoned lighthouses for conferences and seminars, but that after the audit he was told to leave the lighthouses.

There were several major changes in the administration of both the Kalamazoo State Hospital and the state Department of Mental Health since the research department moved to the state hospital in 1972, and Hutchinson indicated that those changes affected unwritten policies and methods of operating the research facility.

NEWSPAPER ARTICLE, "RESEARCHER TO VACATE KALAMAZOO STATE HOSPITAL?", KALAMAZOO GAZETTE, MAY 11, 1975, DEFENDANTS' TRIAL EXHIBIT 61, U.S. D.C., WESTERN DIST. OF WISC.

Scientists at the Kalamazoo State Hospital Research Department are making tentative arrangements to move their research project to other quarters in the Kalamazoo area.

According to Dr. Ronald R. Hutchinson, director of the KSH project embroiled in controversy since it was lampooned as a waste of taxpayer's money by U.S. Sen.

William Proxmire, D-Wis., tentative arrangements are being made to move the research facility to the Augusta area.

After Proxmire issued a proclamation giving the research department his "Golden Fleece of the Month Award" recently, the office of State Auditor General Albert Lee released a public report alleging irregularities in the handling of money, personnel and property under Hutchinson's control.

Hutchinson, who says he earns "just over $30,000 a year" as head of a 10-member staff investigating the causes of anger and aggression and the effects of drugs on those emotions, was quoted in The Gazette Saturday saying the audit was "A collection of half truths, untruths and unsubstantiated opinions."

Hutchinson is at loggerheads with the auditors on many points brought up in the 64-page audit report released Thursday in Lansing, but he has admitted to having "stupidly" invested some private money and implied that he followed some improper procedures.

Part of the gray area in the handling of money stems from deposits of private and public funds in a single checking account, the researchers said.

Hutchinson and a colleague had formed a private research organization to administer a grant of some $40,000 from the Phillip Morris Co. for the study of the effects of nicotine on aggression.

Hutchinson said we "negotiated with them (Phillip Morris) on a flat contract price, based on what we determined it would cost to perform the work. We did not want a profit—but we came up with residual contract funds as a result of completion of the contract.

The "residual contract funds", amounting to some $15,000, were taken with Hutchinson's experiments and equipment to the Kalamazoo State Hospital in 1972, when his initial headquarters at the Ft. Custer State Home were closed.

At the time of that move, Hutchinson's projects were given seed money from the state Department of Mental Health to hire more staff and expand the experiments on squirrel monkeys, mice, rats and pidgeons.

Hutchinson said the private funds carried over from the Phillip Morris contract were put into the same checking accounts as the public money for the Kalamazoo State Hospital Research Department.

The accounting process apparently left state auditors baffled on several items when they attempted to confirm and separate the public and private income and expenditures.

"We didn't commingle our ledger entries," said Hutchinson. "We kept a separate set of records. I suppose a better practice would have been to have separate accounts. The fact that our separate record systems didn't satisfy the auditors seems to indicate that something additional was needed."

But Hutchinson said the state auditors failed to acknowledge many of his explanations for the way money was spent by the research department, and the way equipment was acquired and disposed of.

Hutchinson maintains he made every attempt to properly dispose of over $1 million worth of U.S. Navy property that had been declared surplus and consequently acquired by his staff.

He says much of that property was screened and rejected as worthless by the state surplus and salvage offices, so "rather than paying $12 or $14 a truckload to have it hauled to the dump, we sold it, put the proceeds into our private research account, and later used that amount and more to refurbish and paint the Burns Building when we moved to the Kalamazoo State Hospital."

Hutchinson admitted that on one trip to a Lansing surplus materials depot, "Several people from our staff walked through the line and took things for personal use, such as a rifle scope, a sun compass, and a few other items."

"I handled that in the wrong way," Hutchinson said, "The trip (to the Lansing depot) had been announced to the staff by me in such a way that every employee would be able to pick out one item needed for use in the lab, so long as it didn't cost too much.

"When we got back (to Kalamazoo) and I realized that some of these items were for personal use, I ordered the employees to reimburse the lab for the items they got for personal use. What I should have done was to return the items.

"But I thought in my crude way that since the payments reimbursing for those items were going back into our program anyway, it was all right." Hutchinson said he later held two staff meetings and asked that the personal items bought from the salvage depot be returned, and a couple were.

In explaining purchase of a surplus military airplane for the department, Hutchinson said he'd hope the plane could be made airworthy by Western Michigan University transportation technology students and used by the research laboratory for experiments to "measure physiological components of psychological reactions."

"There are a number of physiological responses in flight similar to anxiety reactions you find in disturbed patients," said Hutchinson. "We had a recorder suitable for these airborne measurements, so we thought it would be something worth looking at."

The plane has since been declared by federal aviation officials to be unsuitable for repair and subsequent flying, so it's expected to be scrapped.

A non-profit organization formed by Hutchinson to handle private research expenditures, called "The Foundation for Behavioral Research" was cited in the audit for supplying money for such items as magazine subscriptions to Coin World, for paying Hutchinson's monthly dues in a flying club, and for taking 14 members of the research department staff and members of their families to the Bahamas.

Hutchinson admits the private foundation was, at the time of the trip, made up only of member of the research department staff.

Hutchinson said he asked for leave for the staff members with pay and got it after he told his superiors that a private foundation offered a $3000 grant to the research department staff to attend a "scientific seminar retreat." He said he neglected to tell his superiors that the private foundation was made up of the same staff members who would be taking the trip.

During the trip, Hutchinson said, the staff held meetings to discuss department activities and research and also went scuba diving to observe aggression in fish living on coral reefs.

"Sure it was a cushy surrounding, but all scientific conferences are held in scenic locations. There's nothing that says you have to meet in barren rooms and beat your heads with boring discussions. Let's face it, part of the appeal of professional conferences is the surroundings. Surely even newspaper people have them."

There was no immediate word from other state agencies involved in the research department investigation about whether any action would be forthcoming from the audit.

Hutchinson said his department has received support from other scientists in spite of the controversy, and there are no apparent moves from federal granting agencies to amend their funding. But state funding for the project has been withdrawn, effective at the end of June.

EXTRACT FROM SENATE REPORT NO. 94-236, 94TH CONGRESS, HR 8070, 1976, DEFENDANTS' TRIAL EXHIBIT 24, U.S. D.C., WESTERN DIST. OF WISC.

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The National Science Foundation is the principal Federal basic research agency concerned with insuring that the United States maintains a strong and productive scientific research program. NSF supports basic and applied research projects initiated by scientists throughout the country and at present is funding more than 18,000 projects. The selection, monitoring and evaluation of these projects are the central daily tasks of the National Science Foundation staff.

* * *

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The Committee continues to be concerned over the Foundation's tendency to fund what seems to be low-priority research in the social sciences, and, equally important, its failure to be more responsive in explaining its program to the average American taxpayer.

* * *

Along these same lines, several Member of Congress on both sides of the Capitol have expressed their concern over the "closed door policy" of NSF's peer review system. The Committee can understand the well-intended desires of these Members to "open" the grant review system and let the public and principal investigators know who is reviewing the proposals and what comments those reviews contain. However, the Committee feels that the Foundation has taken a significants step in resolving the controversy between advocates of "openness" and defenders of "confidentiality."

* * *

FILE MEMO BY DR. KRASNEGOR, DECEMBER 2, 1975, PLAINTIFF'S TRIAL EXHIBIT 31, U.S. D.C., WESTERN DIST. OF WISC.

Mr. Schwartz, administrative aide to Senator Proxmire, requested information on the status of Dr. Rubin's grant number DA-91134 regarding his IND application to FDA and his application to DEA for immunity from prosecution. I told the Senator's aide that Dr. Rubin's IND request had been approved by FDA and his other application to DEA was still pending.

In addition, Mr. Schwartz asked me about the status of Dr. Hutchinson's contract 271-75-3075— "'Evaluation of

Cocaine on Aggression". I told him that the expiration date was 12-31-75, but that we were going to extend the contract for 3 months (until 3-3-76) to complete his experiments and supplement the work for an additional $11,400 to cover the remainder of the work. He advised me that NSF, ONR and NASA were all dropping support of Dr. Hutchinson's work.

EXTRACT FROM SENATE HEARINGS, COMMITTEE ON APPROPRIATIONS, FISCAL YEAR 1977, PART IV, FEBRUARY 5, 1976, DEFENDANTS' TRIAL EXHIBIT 19, U.S. D.C., WESTERN DIST. OF WISC.

DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE AND RELATED AGENCIES APPROPRIATIONS FOR FISCAL YEAR 1977

HEARINGS
Before a
SUBCOMMITTEE OF THE
COMMITTEE ON APPROPRIATIONS
UNITED STATES SENATE
Ninety-Fourth Congress
Second Session

Printed for the use of the Committee on Appropriations

PART 4—Pages 1573-2455
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
Alcohol, Drug Abuse, and Mental Health Administration
Education Division
Health Resources Administration

U.S. Government Printing Office
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DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE AND RELATED AGENCIES APPROPRIATIONS FOR FISCAL YEAR 1977

THURSDAY, FEBRUARY 5, 1976

U.S. Senate,

Subcommittee of the Committee on Appropriation,

Washington, D.C.

The subcommittee met at 10 a.m. in room 1224, Everett McKinley Dirksen Office Building, Hon. Warren G. Magnuson (chairman) presiding.

Present: Senators Magnuson, Proxmire, Brooke, and Stevens.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

Statement of James D. Isbister, Administrator

Accompanied by:

Dr. Robert L. DuPont, Director, National Institute on Drug Abuse

Dr. Bertram S. Brown, Director, National Institute of Mental Health

Dr. Ernest P. Noble, Director Designate, National Institute on Alcohol Abuse and Alcoholism

John A. Deering, Acting Director, National Institute on Alcohol Abuse and Alcoholism

Joseph R. Leone, Executive Officer, Alcohol, Drug Abuse, and Mental Health Administration

John D. Mahoney, Director, Division of Financial Management, Alcohol, Drug Abuse, and Mental Health Administration

Charles Miller, Deputy Assistant Secretary, Comptroller, Department of Health, Education, and Welfare

BUDGET REQUEST

Senator Magnuson. The hearing will come to order.

Mr. James Isbister is with us this morning to discuss the President's budget request for the Alcohol, Drug Abuse, and Mental Health Administration.

Quite frankly, many of the committee members are disappointed over the President's proposal to reduce these very important programs

(1573)

* * *

1608

Basically, this describes an adaptive training plan which includes implementation strategies and which will be unique to each State. The National Institute on Drug Abuse support involves technical training assistance in developing the individual State system, direct funding of specific elements of each plan, and both coordination and support of the information and resource exchange process.

DRUG ABUSE AND ALCOHOLISM

Senator Magnuson. Drug abuse has been singled out by the administration as requiring direct Federal involvement. Many people, however, tell us that drug abuse and alcoholism go hand in hand, and the alcohol budget is way down. Would you please comment on this.

Dr. DuPont. There are many reasons for these different approaches, but the most fundamental one lies in the fact that the drug addict and the drug abuser have not had access to the same medical care system that exists for individuals having other health problems, including alcoholism. Although alcoholism is still not considered a "respectable" illness, there are considerable treatment facilities available in the private health care sector to which he can turn. In fact, federal support for alcoholism treatment and prevention represents only 2 percent of the Nations' investment in that problem. By contrast the National Institute on Drug Abuse presently supports approximately 35 percent of the national investment in treatment care facilities. The existing health system continues to exclude the addict from having access to traditional health care systems; the availability of third party revenues to pay for treatment in such systems is only now beginning to be realized. In addition, a strong Federal presence is still necessary to coordinate the law enforcement aspects of the problem with the treatment and rehabilitation function.

For these reasons, a change in the policy of direct support for drug abuse prevention programs is not yet feasible. Its adoption now would very probably jeopardize the drug abuse health care system that took so much care and effort to build over the past 5 years. When alternative systems are developed within the private sector, or third party payments cover the kind of comprehensive service to the drug addict and abuser that they provide for other health care recipients, a move away from the current policy of direct federal support of drug abuse programs may be feasible.

Senator Magnuson. Senator Proxmire, I'm aware of your interest in this particular area. Do you have any questions at this time?

Senator Proxmire. Thank you, Mr. Chairman. While I have only a few questions, I do feel they are extremely important.

DRUG ABUSE RESEARCH STUDIES

Last year I criticized the National Institute on Drug Abuse for spending more than $1 million to probe marihuana effects on sexual arousal, hypnosis, facial expressions of Americans, marihuana use among the Zulus and the use of Qat by the people in the Arabian Peninsula.

I would like to know why these projects were funded in the first place and what is their current status.

1609

Dr. DuPont. The questions you raise illustrate a common problem in scientific communication. On the face of it, it is not immediately apparent why each study is important. Taken out of context, each might create concern that it represents an inappropriate use of Federal funds.

The National Institute on Drug Abuse is the lead Agency with responsibility for developing an annual report to Congress on marihuana and health describing the health implications of marihuana use for the American people. In meeting our responsibility, our judgment is that we must conduct a wide range of research activities if we are to develop a better understanding of the health and social implications of marihuana use as well as implement successful treatment approaches. For example, it has become increasingly apparent that control of drug use by legal strictures alone has had limited success. Probably the most effective controls on drug abuse are those derived from cultural attitudes and practice which proscribe such abuse. The study of cannabis use among the Zulus of

South Africa promises to provide a better understanding of those factors in a society which actively attempts to control and reduce excessive use. Better understanding may prove helpful in discouraging such use in American society. This project is currently active.

A second study cited, which is also currently active, concerns the culturally accepted use of an amphetamine-like stimulant, Qat, in North Yemen. It seeks a better understanding of those cultural factors which tend to promote moderate drug use. The dissemination of new drugs of abuse throughout the world makes it important that we understand the possible health implications of all drugs, if possible, before they become serious health problems in the United States. The study in North Yemen will provide information on health implications on use of this amphetamine-like stimulant.

The third project, dealing with fantasy patterns and drug use, was completed May 31, 1975. The findings indicated that marihuana smokers displayed higher rates of sensation-seeking, as measured in overt behavior, as well as abnormal involvement in fantasy patterns and daydreams. This characteristic of marihuana users has important implications for treatment by recognizing the need to find alternatives for the sensation seeking needs of the marihuana users.

The fourth project, dealing with psychoative drugs and facial expressions, was completed in December 1975. Findings indicated that persons under the influence of marihuana are less able to recognize human emotions as well as facial expressions of human emotions. These findings are important in suggesting that the heavy marihuana users' impaired recognition of human emotions may severely influence their ability to engage in interpersonal relationships. This also has obvious treatment, as well as counseling, implications.

The final study under consideration studies the effects of marihuana on human sexual responding. Interest in this area has arisen because of earlier evidence suggesting possible impairment of male sexual response related to chronic marihuana use, despite the belief that marihuana enhances sexual arousal. If, indeed, it interferes with such functioning, such information may be an important deterrent to use. An important facet of the Southern Illinois Medical School study is to lay the foundation for further study of possible reductions in the

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EXTRACT FROM SENATE HEARINGS, COMMITTEE ON APPROPRIATIONS, FISCAL YEAR 1977, MARCH 8, 1976, DEFENDANTS' TRIAL EXHIBIT 20, U.S. D.C., WESTERN DIST. OF WISC.

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MISUSE OF FUNDS

Senator Proxmire. The documentation we have indicates that they don't. But perhaps we are wrong.

Dr. Stever, a special committee appointed by the Arizona House of Representatives found that indirect cost funds, were being used by the University of Arizona to purchase various photographic works in order to develop an internationally known collection of photographs. Also indirect cost funds were being used to purchase historical books at a cost as high as $50,000 per edition, as well as helping the university pay for its swimming and diving complex.

In another case, the Office of the Auditor General of the State of Michigan found that Dr. Roland R. Hutchinson, of monkey jaw-crunching fame, misused

public funds, some of which came from NSF. He helped to win a Golden Fleece Award.

For example, the Auditor's Report said: "In violation of State and Federal statutes and rules and regulations specifically relating to the disposition of State and Federal excess and surplus property, the research director sold public-owned equipment, supplies and materials. The research director established a practice of holding closed auctions and pre-priced sales which were attended only by research department staff, friends and associates of the research director."

In light of these examples found by groups other than NSF itself, I would like to know what the Foundation is doing to improve its monitoring of the use of taxpayers funds?

Page 0022

Dr. Sanderson. Senator Proxmire, as you may be aware, the Federal Government has a policy of having a single cognizant audit agent for each university. For example, most NSF projects are audited not by NSF auditors but by HEW auditors.

We do have a very active audit program. I think we provide through interagency transfers some $700,000 a year to support audits of our projects at universities. I am not familiar with the two specific cases you cite. We will certainly look them up. As we find problems, we go immediately to the university to resolve the issue.

Senator Proxmire. Will you, for the record, direct your remarks to the two instances I have cited?

Dr. Stever. Yes, sir. I thought we had solved one of those two incidents over the past year.

* * *

Page 0022

NSF PEER REVIEW SYSTEM

Senator Proxmire. Dr. Stever, a survey of 1,093 scientists and engineers appearing in the September 1975 issue of *Industrial Research* magazine showed that the overwhelming majority of people in the science community have little or no faith in the workings of the present peer review system.

Only 9 percent felt the system operated fairly and reasonably, but 88 percent felt the system promoted conflicts of interests, cronyism and favoritism. That is about a 9 to 1 ratio. How do you reply to those criticisms?

Dr. Atkinson. That survey was cited a number of times in our congressional testimony this summer. It actually is a very poor survey. It had about a 4 percent return as I recall, and I will supply the exact percentage for the record.

Senator Proxmire. Are we talking about the same survey? This is the latest survey available. It appeared in September of 1975, after your hearings. This is the survey cited in the September 1975 issue of *Industrial Research* magazine.

Dr. Atkinson. I am sure that is the same survey. If you could be more precise in the designation of the survey, I could be certain.

Senator Proxmire. I can tell you that 1,093 scientists were interrogated.

Dr. Stever. How many were interrogated and how many replied? We understand that a very large number of people were interrogated and a very small number of people replied.

AFFIDAVIT OF SENATOR PROXMIRE, JUNE 23, 1976, DEFENDANTS' TRIAL EXHIBIT 1, U.S. D.C., WESTERN DIST. OF WISC.

DISTRICT OF COLUMBIA) ss

AFFIDAVIT OF WILLIAM PROXMIRE

I, William Proxmire, hereby swear, depose and say:

1. I am the duly elected Senator from the State of Wisconsin, currently serving in my third full term which expires January 2, 1977.

2. The United States Senate is now in the second session of the 94th Congress, which convened on January 1, 1975 and has been in session since that date.

3. As a member of the 94th Congress I have received the following committee assignments: Banking, Housing and Urban Affairs Committee, Chairman; Appropriations Committee, Member; Joint Committee on Defense Production, Member; and the Joint Economic Committee, Senate Member.

4. As a member of the Committee on Appropriations I have received subcommittee assignments of the Defense Subcommittee, the Labor and Health, Education, and Welfare and Related Agencies Subcommittee, and the Housing and Urban Development and Independent Agencies Subcommittee, of which I am Chairman (Exhibit 7).

5. The Defense Subcommittee has jurisdiction and review of the budget and appropriations for the United States Navy, including the Office of Naval Research. The HUD-Independent Agencies Subcommittee has jurisdiction over

the National Aeronautics and Space Administration and the National Science Foundation. The Labor-Health Education and Welfare Subcommittee has jurisdiction over the funds for the Department of Health Education and Welfare, which includes the National Institute for Drug Abuse. (Exhibit 8, the United States Senate Committee on Appropriations, Subcommittee Jurisdiction.)

6. The Joint Economic Committee was established pursuant to the Employment Act of 1946, 60 Stat. 23. I have been a member of that Committee since January 26, 1961, and am Chairman of the Subcommittee on Priorities and Economy in Government. The Committee is composed of ten members of the Senate and ten members of the House. The Subcommittee on Priorities and Economy in Government oversees the Government expenditure priorities and makes recommendations and conducts investigations effecting economy in Government spending.

7. In the exercise of my committee assignments, in the representation of my constituents of the State of Wisconsin, and in the general exercise of my responsibilities as United States Senator, I am not only obligated to vote upon appropriations for Government operations but, for subcommittees of which I am Chairman, to make recommendations to the committee for each expenditure (including all expenditures for NSF and NASA. Implicit in that exercise is, according to my information and best judgment, the approval of sound spending and the disapproval of wasteful spending.

8. Information of wasteful or questionable Government spending which comes to my attention, either through private sources, press, committee hearing, or otherwise, is routinely researched by members of my staff. When, in my opinion, the research discloses expenditure which is wasteful or questionable it may be the subject of Senate

floor comments, further investigation, public disclosure, proposal of limiting legislation, vote, or all of these measures.

9. Normal research and legislative action takes the form of agency request for information and explanation, committee hearing where appropriate, legislation, and vote. Occasionally there is a follow-up with agency staff in order to determine the current status of appropriations and pending projects and a renewal of the same general cycle of research and legislative action.

10. The course of action to be followed in connection with any research or disclosure is dictated by me. The ordinary form is that the member of my staff receives the information and after a preliminary inquiry reports his findings to me. The course of action to be followed thereafter is directed and approved by me. Any public release or speech, any committee action, and, of course, any proposed legislation and final vote, are all directly approved and authorized by me.

11. Throughout my Senatorial tenure I have routinely reported my speeches and legislative action to my constituents, my Senatorial colleagues, and to the public at large through the form of press release. The press release is mailed and distributed by the Senate Service Department and mailed under my Senatorial Franking Privilege. (See Exhibit 2, ¶¶8, 9, 11)

12. In 1975, I established a goal for my staff of identifying wasteful Government spending at the rate of one per month. In February and March of 1975 the announcement of what I deemed to be Government waste, which had been researched by my staff, were the subject of Senatorial speeches with a press release announcing the Senatorial speech. In March of 1975 I made the deter-

mination that a monthly speech and announcement would be termed a "Golden Fleece of the Month Award". Following that practice, I issued such Golden Fleece Awards for each month from March, 1975 to the present, a total of approximately 20 awards.

13. Effective July 1, 1974, I authorized the employment of Morton Donald Schwartz, previously an economics instructor at Lawrence University, as a Legislative Assistant on my staff. In January of 1975, Mr. Schwartz was assigned to domestic spending and disclosure and research of any waste or inefficiency in domestic spending. Mr. Schwartz was to report directly to me regarding his findings. In late March or early April of 1975, Mr. Schwartz reported to me concerning National Aeronautics and Space Administration studies on animal and human aggression. I authorized him to make further study of this subject and report his findings to me.

14. Approximately in Mid-April, 1975, Mr. Schwartz delivered to me a draft of a report concerning expenditures by the National Science Foundation, the National Aeronautics and Space Administration, and the Office of Naval Research over a seven-year period, totaling $500,000. The report of Mr. Schwartz's research was reviewed and edited by me and my Administrative Assistant, Howard Shuman. From the final draft of the report Mr. Schwartz was directed to prepare a speech and press release.

15. On April 18, 1975, I delivered a speech on the floor of the Senate announcing the staff research and findings in connection with these expenditures. The text of my speech appears in the Congressional Record for April 18, 1975 (Exhibit 4).

16. In accordance with the customary practice of my office, my Administrative Assistant, Howard Shuman, re-

quested the issuance and distribution of the press release by the Senate Service Department (Exhibit 11, Shuman Affidavit).

17. Subsequent to the speech, Mr. Schwartz reported to me regarding the issuance of patents to Dr. Hutchinson and the Foundation for Behavioral Research. The issuance of patents to recipients of Government grants or contracts raised in my mind the propriety of reward of private or individual patents and I directed that Mr. Schwartz further investigate the propriety of such patent awards.

18. After a preliminary inquiry, Mr. Schwartz prepared letters for my signature inquiring as to the existence of such patents and whether they were appropriate under the terms of the grants. Letters to the agencies were sent out Accordingly (Exhibits 9-11). Responses to these inquiries were received (Exhibits 12-16). No further action was taken with respect to the patents. However, I did make a general inquiry of NSF about its patent procedure. See ¶22 herein.

19. On November 24, 1975, at the invitation of the producer of the show, I appeared on "The Mike Douglas Show" in Philadelphia, Pennsylvania. In preparation for the appearance I reviewed my file of Golden Fleece Awards. Examples of two awards were made on the show, including the one involving Dr. Hutchinson. However, no identification of Dr. Hutchinson was made. A full transcript of my remarks is contained in Exhibit 6.

20. Mr. Morton Schwartz brought to my attention an audit by the State of Michigan of Dr. Ronald Hutchinson and of other reported investigations dealing with Dr. Hutchinson's operations. I have no knowledge of how such audit was initiated. On March 8, 1976, at hearings of the Subcommittee on the Department of Housing and

Urban Development and Certain Other Independent Agencies of the Senate Committee on Appropriations concerning the appropriations for fiscal year 1977 for the National Science Foundation, I questioned the Director of NSF concerning NSF monitoring of public funds. Dr. Hutchinson was an example used in my questioning about funds. I made specific reference to the State of Michigan audit of Dr. Hutchinson and the auditors' report of alleged misuse of state and federal property (Exhibit 20, p. 21). Further, I questioned NSF concerning the sharing of information among different Government agencies as to the merit of particular programs and decisions not to fund projects. (*Id.*, pp. 29-30) Other than this inquiry, no other reference at hearing was made by me concerning Dr. Hutchinson or his work.

21. On March 3, 1975, as Chairman of the Department of Housing and Urban Development and Certain Other Independent Agencies Subcommittee of the Committee on Appropriations, I conducted hearings on appropriations for the National Science Foundation for fiscal 1976. (Exhibit 17, Senate hearings, HUD-Independent Agencies Appropriations, 1976 (HR-8070)—Part 1.) In the course of the hearings, representatives of NSF were asked questions: on various research projects, their cost, and the corresponding benefit for the American taxpayer (*id.*, p. 47); as to whether the U.S. Government obtained title to equipment for which it had provided funds in conducting research (*id.*, p. 89); on the royalties and inventions made under Government grant (*id.*, pp. 99-100); and on the procedures and performance of NSF's internal audit unit (*id.*, pp. 107-108). Pursuant to my request on patent rights of the Government, NSF furnished a report which was later inserted into the record (*id.*, pp. 124-125).

22. Examples of hearings following up my public announcements on wasteful spending are: (1) February 4, 1976, hearings of Departments of Labor and Health, Education and Welfare and Related Agencies Subcommittee for appropriations for fiscal year 1977, the National Institute of Child Health and Human Development inquiry of agency contract of the sexual habits of university women, the subject of my announcement of March 5, 1975 (Exhibit 18, Extract of Senate Hearings, Labor HEW Appropriations, 1977, Part 3, pp. 1293-94); and (2) the February 5, 1976 hearings of the Departments of Labor and Health, Education and Welfare and Related Agencies Appropriation Subcommittee for appropriations for fiscal year 1977, inquiry of the director of the National Institute of Drug Abuse and my announcement of August 27, 1975 regarding a study dealing with the effects of marijuana on sexual arousal (Exhibit 19, Senate Hearings, Labor HEW Appropriations, 1977, Part 4, pp. 1608-09).

23. Prior to the report of Morton Schwartz of my staff, I had never heard of Ronald R. Hutchinson or any of his studies. I was not acquainted with the Foundation for Behavioral Research with which Dr. Hutchinson is associated and am not aware of any of the persons who are members or employed by the foundation. To my knowledge, I am not personally acquainted with, nor have I had any contact with, any of the associates of the foundation.

24. The facts stated in my speech and the television appearance relating to Government contracts with Dr. Hutchinson and his studies, I believed to be true at the time of their issuance. Upon review of these texts in the preparation of this Affidavit, I still believe them to be true.

/s/ William Proxmire
William Proxmire

Subscribed and sworn to before me this 23 day of June, 1976.

/s/ David S. Stevenson
Notary Public

My Commission expires May 14, 1978.

AFFIDAVIT OF MORTON SCHWARTZ, JUNE 23, 1976, DEFENDANTS' TRIAL EXHIBIT 3, U.S. D.C., WESTERN DIST. OF WISC.

DISTRICT OF COLUMBIA) ss

AFFIDAVIT OF MORTON DONALD SCHWARTZ

I, Morton Donald Schwartz, hereby swear, depose and say:

1. Since July 1, 1974, I have been employed as a Legislative Assistant on the staff of Senator William Proxmire of the State of Wisconsin.

2. My original assignment as Legislative Assistant was working with the Joint Committee on Economics (of which Senator Proxmire was then the Assistant Chairman). In addition, I was assigned to review domestic programs. In the 94th Congress beginning in January of 1975, my duties were directed primarily to matters concerning domestic spending and to devise ways and methods of promoting spending efficiency and to uncover and disclose wasteful Government spending.

3. In the performance of my duties I report directly to Senator Proxmire. Additional duties since January, 1975 include matters pending before the Labor-HEW Subcommittee of Appropriations, both review of appropriations

and proposed legislation. Further, I make recommendations to the Senator regarding labor bills and other social legislation.

4. My academic training is principally in the field of economics, with substantial undergraduate study in social sciences. In 1964, I received a BA degree from the City College of New York with an economics major. In 1966, I received a Masters Degree in economics from the University of Michigan. From 1966 through 1969, I was a doctoral candidate in economics at the University of Syracuse, and during that period taught introductory economics. For five years from September of 1969 to June of 1974, I was employed by Lawrence University in Appleton, Wisconsin as an instructor in the Economics Department conducting courses and research in public expenditure analysis, urban economic analysis, and labor economics.

5. Since my employment with Senator Proxmire I have been concerned with efficiency in Government spending. An early example of my research in this area was a study of the growth "grade creep" within the federal bureaucracy. This study resulted in a floor speech and press release in November, 1974. An early example of my research of NSF spending was in November, 1974 and resulting in a press release critical of NSF management and interagency coordination. In that instance, NSF was asked to make a follow-up report, which resulted in a second public announcement by the Senator.

6. My method of research of Government spending in any area of concern has generally been to contact the agency, to analyze the information provided by the agency, to make my findings known to the Senator, to undertake additional research as required, and if warranted, to prepare a speech and press release regarding spending, to assist in

the preparation of appropriation hearings regarding the spending when warranted, and to provide data for legislation and voting.

7. My next major research project dealing with domestic spending resulted in an announcement on March 5, 1975 concerning a National Institute of Health contract to investigate the sexual habits of university women. I made an agency inquiry to determine the facts concerning this expenditure, the amount of money spent, the purpose for the project, and the end result. These findings were reported to the Senator and a letter sent by the Senator to the General Accounting Office for further investigation. A press release of my findings and the letter was issued.

8. Sometime in the Spring of 1975 Senator Proxmire indicated that a monthly announcement of Government spending deemed wasteful would be entitled "The Golden Fleece of the Month Award". The first use of the Golden Fleece Award by Senator Proxmire's staff was in a release of March 11, 1975, dealing with why people fall in love.

9. My next research project resulted in the second Golden Fleece Award dated April 18, 1975 and concerned studies for the Office of Naval Research, the National Science Foundation, and the National Aeronautics and Space Administration on animal and human aggression. The principal investigator or director of the contracts was in each instance Ronald Hutchinson.

10. In March of 1975, I first became aware of the work of Dr. Ronald Hutchinson from an editor of a science and social science publication. He advised that he had learned of Dr. Hutchinson's work from an announced publication by NTIS, a weekly abstract of Government studies and publications. At my request, the editor mailed the announcement to me. (Exhibit 23) The announcement made reference to two National Aeronautics and Space Administration publications. On the basis of the NTIS announcement, I contacted the National Aeronautics and Space Administration's Congressional Liaison Officer, Mr. William Allen, and requested information on the production of the publication and the amount of money involved. Although I am not certain, it is possible that I made a follow-up call to Mr. Allen repeating my original request.

11. I subsequently received in the mail the two publications requested. They were entitled "The Effects of Simultaneous but Unequal Response—Independent Pay to Pairs of Human Subjects on Masseter Emg and Bodily Movements" by Keenan, August, 1974, and "Final Report of February 1, 1974-January 31, 1975, The Measurement and Facilitation of Cooperative Task Performance", NGR 23-014-002, Supplement No. 3, by Ronald R. Hutchinson, principal investigator, Research Department, Kalamazoo State Hospital, dated January 1, 1975.

12. I reviewed the furnished material, the first of which in its acknowledgements on page ii referenced grants to Dr. Hutchinson:

> This research was supported in part by grants to Dr. Hutchinson from the National Aeronautics and Space Administration (NSR-23-014-002), Office of Naval Research (N00014-70-A-0183-0001, NR-201-068), National Science Foundation (GB-33620X), and the State of Michigan Department of Mental Health.

On the same date, April 9, 1975, upon learning of the National Science Foundation grant I reviewed a copy of the National Science Foundation's annual reports from 1973, and found identification of Dr. Hutchinson in those reports.

13. Also on April 9, I contacted the National Science Foundation's Congressional Liaison Officer, Mr. Richard Wilson, and requested material on GB-33620X, and in addition a complete record on contracts or grants to Dr. Hutchinson.

14. Also on April 9, 1975, I contacted Dr. Robert Woodward of the Office of Naval Research and requested material on N00014-70-A-0183-0001 and NR-201-068 and, in addition all available material and records on Dr. Hutchinson's contract or grants and why the agency was funding the particular project. In all of these telephone calls I identified myself as a member of Senator Proxmire's staff.

15. On April 11, 1975, the National Science Foundation delivered a file on Dr. Hutchinson. Upon reviewing it I discovered an additional agency from which Dr. Hutchinson had applied for and received grants, the National Institute of Mental Health. On approximately the same or following work day I called the National Institute of Mental Health and was referred to Joseph Bracket of the Computer Center and I requested all applications by Dr. Hutchinson and all pending applications. Mr. Bracket advised that a number of applications had been made by Dr. Hutchinson, but except for an early grant in 1962, all had been rejected.

16. The NSF material also indicated that Dr. Hutchinson had been funded in part by the Michigan State Department of Mental Health. In order to determine the funding structure of Dr. Hutchinson's work, on approximately April 14 I called the Michigan State Department of Mental Health in Lansing, Michigan, identified myself as a member of Senator Proxmire's staff, and expressed my interest in grants to Dr. Hutchinson. I was referred to a lawyer and other members on the staff, who advised

of facts concerning Dr. Hutchinson's work and funding. I was also advised that the State had involvement with Dr. Hutchinson, along with the National Institute of Drug Abuse.

17. On or about the same date I called the National Institute on Drug Abuse and was advised that there was no grant to Dr. Hutchinson. I later learned that there had been a contract for a study on the effects of cocaine for a total of $151,000.

18. On or about April 14, 1975, I called Fred Stollnitz of the National Science Foundation and discussed with him my findings and that the Senator's staff was comtemplating a Golden Fleece Award concerning the government contracts and NSF grants to Hutchinson. I asked for his comments. The following day I called Stollnitz and told him that a decision had definitely been made to make the Golden Fleece Award and wished to verify the contents and accuracy of my draft of the speech and press release.

19. Approximately one week prior to its delivery on the Senate floor on April 18, 1975, I prepared a draft of my findings on the three agency contracts on human and animal aggression by Dr. Hutchinson. The information and conduct of this draft was obtained primarily from the documentation contained in the Government agency files and supplemented in part by my coversation with the Government contracting officers or agency representatives. My draft was reviewed by Senator Proxmire and by his Administrative Assistant Howard Shuman. After some editorial changes were made, it was finalized on April 15th. I then prepared from the draft both a press release and a speech, which were the same except for the lead and concluding sentences. The text of the speech

was delivered to the Senator and the press release turned over to Mr. Shuman for intended distribution.

20. On or about April 15, 1975, I placed a direct call to Dr. Hutchinson in Michigan and advised him of the Golden Fleece Award. I read to him the text of the intended press release and advised that it had been principally prepared using his own materials and reports for its factual basis. Dr. Hutchinson expressed his dissatisfaction and opinion that the release did not fairly evaluate his work, which he stated in his view was important. He stated that the National Institute of Drug Abuse proposal had in fact already been approved. Other than that error, I asked him if there were any other factual misstatements in the report and he advised that he would prepare his own statement in rebuttal. At this conversation or a second one on April 22 (para. 29 below) he stated that his name was "Ronald" not Roland. I mailed him a copy of the release.

21. On April 17, 1975, I was called by a reporter representing a number of Michigan papers and discussed with him the text of the release. On or about April 17, 1975, I talked with a reporter from the Associated Press and was read the text of an AP wire. He asked for verification of the story and I advised that I knew of no factual inaccuracies in it. He advised me that Dr. Hutchinson had already contacted Detroit representatives of the Associated Press.

22. On April 18, 1975, I had a discussion with another Associated Press representative and again discussed the press release, and was advised that a second AP release was in preparation. Later that same date this same AP reporter called again to say that the second story would not be put out on the AP wire because it was deemed to contain no new news.

23. During the period of approximately April 18th to April 21st I received several other calls from members of the press who asked about the story. I remember specifically that I verified that parts of Dr. Hutchinson's studies included tests with boa constrictors and that Dr. Hutchinson held a PhD from Yale. On approximately April 21, 1975, I received a telephone call from a Mr. Roger Ulrich, who advised that he had formerly been a colleague of Dr. Hutchinson. He advised that Dr. Hutchinson had been under some investigation by state and federal auditors and that research at Kalamazoo State Hospital was being terminated.

24. Approximately the same date of April 21, 1975, I received a call from a Chicago patent attorney who advised of a patent held by Dr. Hutchinson's research organization and read to me a summary of the patent and provided the patent number. The patent concerned the inhalation of nicotine. I expressed my interest and curiosity in the patent. On approximately April 21, 1975, I called the Patent Office and requested a copy of the patent. I received a copy of the patent, called the Patent Office and discussed with the patent examiner who approved the patent what the general process of patent examination was and why it had been granted in this particular instance.

25. About the date of the receipt of the patent I conferred with Howard Shuman of Senator Proxmire's staff and relayed to him the new information on the patent and the auditor's investigation. I expressed my intention to further pursue the patent information.

26. On approximately the same date of April 21, 1975, I called the National Science Foundation and talked with Mr. Stollnitz and relayed to him the information I had

obtained regarding the patent—basically the conversation with the Chicago patent attorney. I also inquired if he knew of the audit and investigation by state and federal authorities. Mr. Stollnitz advised me that he did not regard any audit investigations as determinative of whether NSF would make a grant. I inquired as to what audit procedure NSA maintained on research contracts and was in turn advised that NSF maintained "ongoing reviews" in monitoring expenditure of federal funds within its available resources and personnel.

27. Following that call, on approximately April 21, 1975, I discussed with another staff member regarding the information I had obtained in my discussion with NSF. I decided that I would do nothing with respect to the federal and state audits, but would prepare letters of inquiry to the various agencies concerned with the patent. I advised the Senator of this course of action, which he approved.

28. On April 22, 1975, I prepared letters to the National Science Foundation, National Aeronautics and Space Administration, and the Office of Naval Research referencing the patent and inquiring as to information of the circumstances regarding the patent, which were signed by Senator Proxmire (Exhibits 9-11).

29. On or about April 22, 1975, I received a call from Dr. Hutchinson inquiring what was I trying to do to him and why was I challenging his patent and charging him with criminal activities. I stated that I was interested in the patent and that I was not aware of any criminal charges but of an audit and FBI investigation. He advised that no criminal investigation was in progress since he had been cleared of all criminal charges. I advised him that we intend no further action with respect to any of

these investigations, but that we were sending letters on the patents to the agencies. I also advised that the patent information was not intended to be the subject of any further speeches or announcements. I inquired as to how he had obtained the information of my inquiries and he in turn advised that Mr. Stollnitz of NSF had contacted him. Dr. Hutchinson advised that if anyone were out to get him they would not succeed and I in turn attempted to assure him that Senator Proxmire and his staff had no intention or interest in "getting him".

30. In mid May, 1975, I received in the mail a newspaper article of May 9, 1975 containing information from a Michigan State Auditor General Report dealing with Dr. Hutchinson and that he had been fired. I called Michigan and talked to an assistant auditor general who advised that the entire report was a public document and would be mailed to me. He also advised that no criminal charges were to be brought, upon the findings that although there had been a careless co-mingling of funds and misuse of equipment, there was not sufficient evidence of criminal intent. Upon receipt of the Michigan Auditor's Report, I acknowledged receipt and showed a copy to Senator Proxmire. No other circulation was made of the report by me.

31. In connection with my other investigations of domestic spending I requested of the National Institute of Drug Abuse a computer printout of all current grants. A computer printout was furnished and I identified some 15 grants to researchers which, in my view, appeared of questionable merit. After consulting with Mr. William Pollin, Director of Research at NIDA, I prepared a press release for October of 1975, dealing with several research projects, including one on the effects of marijuana on sexual response. During my discussions with Dr. Pollin

I asked him if he was funding any research projects with Dr. Hutchinson. He advised that they did have funding with Dr. Hutchinson. I inquired if Mr. Pollin was aware of an audit by Michigan State officials and he advised that he was not aware of the audit.

32. In late 1975 or early 1976, I received a call from a NIDA official who inquired about the Michigan Auditor's Report. I advised that it was a public document and that I had learned that no criminal charges would be brought as a result of the report.

33. In December of 1975, Senator Proxmire indicated that he had received an inquiry from constituents inquiring what, if any, follow-ups were made of Golden Fleece reports. He directed that I make a check with agencies to determine the current status of grants that had been contained in the Golden Fleece Awards.

34. Pursuant to instructions, in December, 1975, I called agencies on which I had prepared Golden Fleece Awards, including the one about Dr. Hutchinson. I called the National Science Foundation and talked to Michael Weinberg of the Congressional Liaison Office, who advised that an application by Dr. Hutchinson was under consideration and that the previous funding had expired. I called the Office of Naval Research and talked to Dr. Woodward and he advised that a decision not to renew or extend the grants to Dr. Hutchinson had been made. I called the National Aeronautics and Space Administration and talked to William Allen, who advised that they were winding down on Hutchinson contracts. At no time during any of these conversations did I suggest what action was appropriate, but merely inquired as to the present status of contracts and that the Senator intended a report to his constituents.

35. In January, 1976, I called Mr. Stollnitz and inquired of the current status of the Hutchinson application to NSF and he declined to provide any information. I then called Michael Weinberg and was advised that the decision had been made not to renew the Hutchinson contract.

36. I was aware of appropriation hearings in March, 1976 for fiscal year 1977 for the National Science Foundation, to be conducted by the Appropriations Subcommittee on Department of Housing and Urban Development and certain independent agencies of which Senator Proxmire is a Chairman. I discussed the hearing with Thomas van der Voort, Chief Clerk for the Subcommittee. I prepared questions for Senator Proxmire, one of which dealt with the Hutchinson grants to be asked of the Director for NSF, who was testifying at the hearings. The questions which I prepared were substantially the same as those used by the Senator (Exhibit 18).

37. In connection with my duties I assisted in the preparation of questions for appropriation hearings of the National Science Foundation in March, 1975 for fiscal year 1976. These questions dealt with wasteful spending in social science and the legality of title and ownership of research equipment, royalties on inventions, and patent rights. These questions were prepared prior to any knowledge of Dr. Hutchinson and his work.

38. The topic of wasteful spending in preparation for other hearings attended by Senator Proxmire were prepared by me. Such hearings were held in February of 1976 by the Senate Appropriations Subcommittee on Labor-HEW and Related Agencies for the fiscal year 1977 budget of the National Institute for Child, Health and Human Development. Questions were prepared and de-

livered on the study of sexual habits of college students, which had previously been the subject of a press release. Questions were also directed by Senator Proxmire to the National Institute for Drug Abuse on the study of marijuana and sex. Questions were also directed on the budget for NIAAA, which was the subject of the Golden Fleece Award on October 15, 1975. In the same hearings a copy of Senator Proxmire's press release prepared by me dealing with North American Rockwell was inserted in the record.

39. The information and factual statements contained in the speech and press release I believed to be true at the time of preparation and still believe to be true at the present time.

40. Other than the contacts contained in this Affidavit, I have had no other contact with Dr. Hutchinson. I do not know him personally.

41. All the research and investigation and contacts with Government agencies was entirely performed during normal business hours and from my office in the Senate Office Building.

/s/ Morton Donald Schwartz
Morton Donald Schwartz

Subscribed and sworn to before me this 23 day of June, 1976.

/s/ David S. Stevenson
Notary Public

My Commission Expires May 14, 1978.

EXCERPTS FROM DEPOSITION OF HOWARD E. SHUMAN, SEPTEMBER 15, 1976, U.S. DISTRICT COURT FOR THE WESTERN DISTRICT OF WISCONSON

* * *

[Page 14] Q. Do you know what documents or information Mr. Schwartz received from the agencies in response to his inquiries? A. Well, I'm generally aware of them, yes.

Q. Are those generally the documents that are before you today and that are summarized in the list of exhibits? A. Yes. They are here or in our exhibits, the one that I am aware of.

Q. When did you first see any of those documents? A. I would have seen those documents probably about the second week in April 1975.

Q. Do you know how long Mr. Schwartz had those documents before you saw them? A. Yes. It differed, because he kept finding, as he called around, that there were additional contracts so that he would get a document and then find that there was another document and then find there was another document, and in that process, I pressed him deliberately, specifically pressed him to get all the documents that he could. So I would have seen the documents or knew of their existence as they came to us.

Q. Are you generally aware that the agencies that fund [Page 15] research work have progress reports, both interim and final progress reports? A. Yes, I am aware of that.

Q. Did you direct Mr. Schwartz to obtain copies of those documents? A. Well, I didn't direct him to. I

told him to get as many documents as he could, all the documents he could, and in the course of it, I'm sure he did get documents of that kind.

Q. When you had contact with these documents in the second week of April— A. It's not only a question of directing him to get the documents, it's a question of getting what the agencies give you. Sometimes the agencies have difficulty in getting what they give you.

Q. Do you know whether Mr. Schwartz had any difficulty in obtaining the documents in this case? A. Well, I am unaware of any refusal to produce documents or anything of that kind, but I do know that it was because of the—if I can use a big word—peripatetic nature of the documents, which seemed to be collated in at least four agencies that I can remember, and a large number of them, it took considerable effort and diligence to get them, which he did.

* * *

[Page 17] Q. I asked you earlier if you thought Mr. Schwartz had visited the agencies to review the records and you replied in the negative. A. Well, I said I didn't have knowledge of it.

Q. Okay. Do you know if there was any reason that Mr. [Page 18] Schwartz could not have visited the agencies to review the records? A. Well, one wouldn't ordinarily visit agencies. The agencies are quite good about giving you information if they are cooperative, which they were in this case, so that on the whole, there wouldn't be a need to go to the agency.

Q. Do you know of any rule that prevents Mr. Schwartz from visiting the agencies to review the documents? A. Well, I do know that there is certain information that agencies have and I have learned since this

case came about with respect to the National Science Foundation that there is certain document information they would not let you see. I believe one such kind of document is if they rejected somebody's application and there were criticism of the applicant or something of that nature, they would not show you that document. They do not consider that it's a public document apparently until they have approved it. So, yes, I do know of some instances where you would be unable to get documents.

* * *

[Page 30] Q. The sentence I am referring to, "All this money was given to Ronald Hutchinson of Kalamazoo State Hospital in Michigan," to your knowledge, Mr. Shuman, is that a fair and accurate statement? A. Yes, that is a fair and accurate statement, to my knowledge, and the basis for that statement is that in each of the grants, Dr. Hutchinson—my memory is that in virtually every one, if not all of them, Dr. Hutchinson's name was the name of the principal recipient of the funds. He had control of the funds.

Q. Were you aware that most of the grants were made to various agencies of the state of Michigan? A. Well, I am aware that Dr. Hutchinson was attached to a state hospital as an adjunct professor to a university and that he had a private foundation and that the funds would have gone to him and to them, but he was the principal researcher in all of these documents.

Q. Did you review the documents you received from the agencies to learn who the money was actually sent to by the [Page 31] Federal Government? A. I reviewed the documents to note the amount and that Dr. Hutchinson was the principal researcher.

Q. You do not recall or do not know, though, whether or not the money was paid to the state of Michigan by

the Federal Government as opposed to Dr. Hutchinson? A. Well, Dr. Hutchinson had control of the funds. He was the principal investigator and he's named in the documents.

Q. Mr. Shuman, I am now referring to the fourth paragraph, the sentence reads,

"Dr. Hutchinson told NASA that people get angry when they feel cheated and tend to clench their jaws or even scream and kick."

Is that, Mr. Shuman, in your opinion a fair and accurate statement of what was told NASA? A. Yes, that is a fair and accurate statement, and my memory of that statement is that that is a statement which is similar to a statement which either Dr. Hutchinson made to NASA or which NASA used in describing his work.

* * *

[Page 37] Q. Now, the next paragraph down contains the sentence,

"In fact, the good doctor has made a fortune from his monkeys and in the process made a monkey out of the American taxpayer."

In your opinion, Mr. Shuman, was that a fair and accurate statement? A. I think that's a fair comment from the facts we had before us. We knew that he had received in grants from various Government agencies almost a half a million dollars; we knew that he had received additional sums of money, I think in excess of $100,000, from the state of Michigan; we knew that he had received private grants, I believe the Philip Morris Company was at least one that I was aware of at the time, and that $500,000, plus 100,000, probably close to three quarters of a million dollars, who most people would

consider, and I consider, to be a very, very large amount of money, 40 to 50 times the income of the average family in the country, and I think that's a fair comment from the facts and details and description and amounts given in the document preceding that statement.

Q. Did you investigate to see how much of that money went to Dr. Hutchinson personally as opposed to the state of Michigan [Page 38] or as opposed to paying the salary of other staff members or as opposed to purchasing equipment? A. Well, I was aware from the documents we had before us that those funds went for overhead, expenses, and so forth, as well as to Dr. Hutchinson, if, in fact, they did go to him in that sense, for salary, but the point is that this is a very, very large amount of money which he controlled, which he could use for his research, his staff, his overhead, his rooms, his equipment, and this would have added to his position and status, helped him in his endeavor, given him a position in the institutions that he worked for, so it isn't just merely that he himself may have gotten part of it as a salary, if, in fact, he did, but that he actually physically controlled the funds.

* * *

[Page 44] By Mr. Cavanaugh:

Q. Mr. Shuman, is there anything in this news release that indicates that Mr. Hutchinson was paying a number of staff persons with that money or paying for overhead or the use of equipment or purchase of equipment? [Page 45] A. No, but anybody who has any knowledge at all of Government grants—and thousands of people do—would know that that was probably the case.

Q. Would you agree that thousands of persons who read the newspapers and the news releases similar to this do not know the procedure for Government grants?

Mr. Raywid: Well, I object to that. I don't know that Mr. Shuman's opinion as to what thousands of newspaper readers read is of any help to us in this case.

Mr. Cavanaugh: Well, since he expressed his opinions as to what thousands of other persons might or might not know, I thought I might inquire—

The Witness: Well, I know a great many people who would be aware of this.

* * *

[Page 47] Q. Is the intent or the hope of the Golden Fleece Award to cut down on Government spending or Government waste? A. That would be its intent or, in addition to that, to rearrange the priorities.

Q. What is the purpose of issuing a news release after a Golden Fleece is awarded? A. Well, we don't issue a news release after a Golden Fleece is awarded. We issue a news release when we award the Golden Fleece.

Q. What is the purpose of the news release? A. Well, very simple. There are a variety of methods by which one in public life with jurisdiction over spending, which is a particular congressional constitutional jurisdiction, has of changing, persuading, informing the public in order to get things changed, and one does this through speeches in the Senate, one does this through hearings, one does this through releases, one does this through statements, a whole gambit of methods, and you just do not change priorities in Government by having a Senator go into the cloak room and grab ahold of another [Page 48] Senator and say, "Gee, I hope you vote with me on this." You do it through information, through hearings, through statements, through speeches, through changing public opinion in order that you can do what you hope

to do. So that is the function of this statement and it's absolutely indispensable to the legislative process.

Q. Was the hope of this news release to persuade the public or change public opinion? A. The purpose of this news release would have been to inform the public about some of the spending that has occurred in a Government agency over which the Senator has appropriation jurisdiction and to bring to the attention of the agency that in our oversight function, we were critical of some of their activities.

Q. How does the press release lead to reduce spending or reduce Government waste? A. Well, the only way that one can reduce spending or rearrange priorities is to convince the public in a democracy that that's what should be done, and if you found from experience that you have got a good case and you are correct, then after a period of time you often accomplish your goals. One specific example I will give you is the SST where my Senator led the [Page 49] fight to stop the SST, and the only way we got that stopped was through the changing of public opinion. We didn't get that done by going into the cloakroom and twisting somebody's arm. You did that because the public overwhelmingly thought that was a project that should be stopped and, as a result, we stopped it narrowly.

Q. Is it a hope, then, that the public responds to the news release? A. Well, you hope that a variety of people in the public and in the Senate and in the Congress and in the agencies, those that are concerned with public affairs, would respond in a general or a specific way to a release or a statement. This isn't just a release. You are talking about a speech in the Senate, a release, a hearing, a whole gambit of activities in which this is only a small part.

* * *

[Page 55] Q. After the news release was prepared by your staff, what happened to it? A. Well, when the news release was prepared, I would have filled out a card and that card would have said what the distribution of the release should be. We have at the Service Department of the Senate—I don't know the technicalities of it—but we have lists of people who would get releases as we check them off, and in this case, I put on that card who was principally responsible for the release, which in this case was Schwartz, and I was responsible for saying what the distribution would be and I checked the general distribution. We often send it out to a much, much larger group, a release, but in this case, we limited it to the general group, general distribution.

Q. What groups or bodies are composed in the general distribution group? A. Well, that list is provided in the documents that have [Page 56] been made available to the Court.

Q. The ones attached to the affidavit listing the newspapers, radio stations? A. Yes. Not only newspapers, radio stations, but a number of individuals, members of the Senate, staff, people on committees, who have asked or who need to know or should know what statements the Senator has made and who would be involved in hearings and reports and possibly could follow up on such statements, so it's more than just the news media.

Q. Do you have several distribution lists, some smaller, some larger, and some very large? A. Yes, we have a number of them. We have our general list, we have a state list which would be all the daily papers and the radio, TV in the state, we have an additional state list, which would include the weekly papers, we would have a list for housing. I think we have a banking

or financial list because of the Senator's interest. I think we have an economic list. That card is available. You can read it. But there are several lists and, in this case, we sent out to the general list.

Q. You mentioned that you had a list of state newspapers. Are you referring to Wisconsin newspapers? [Page 57] A. State of Wisconsin, right.

* * *

[Page 70] Q. When was your statement actually released to the newspapers? A. Well, the statement would have been sent out by the Service Department of the Senate the late evening of April 15.

Q. Then do you mark the news release for release at a certain date? [Page 71] A. Yes. It's embargoed. In other words, it cannot be used until after 6:30 a.m., Friday.

Q. Which was the 18th? A. Which was the 18th. And the reason you do that, first of all, when you send this out, because of the mails, you are not so sure that a release sent out the 15th will be delivered the 16th, it probably won't; it probably won't get delivered until the 17th. The release on this was timed to be released essentially simultaneously with the speech in the Senate and that date and time was done for that very purpose, to give a statement to the press of the substance of the Senator's remarks.

Q. Did you— A. So the date of the release is Friday, April 18, not the 15th when it would have been sent out, because it's embargoed.

Q. Did you receive any request for information from the news media as a result of this news release? A. Did I?

Q. Or the staff. A. Well, there was a request for information as a result of Dr. Hutchinson's rebuttal.

* * *

SHUMAN DEPOSITION EXHIBIT 2, NEWSLETTER BY SENATOR PROXMIRE TO CONSTITUENTS, FEBRUARY 1976, U.S. DISTRICT COURT FOR THE WESTERN DISTRICT OF WISCONSIN

February, 1976

DID THE GOLDEN FLEECE GET RESULTS?

1975 was the year of the "Fleece of the Month" award. More than a dozen federal agencies earned it. The award was for the biggest or most ridiculous or ironic example of waste or stupid government spending that month.

At the end of December, the monthly awards were topped off by a "Golden Fleece of the Year" award.

There has been a great deal of interest in the awards and some lively controversies about them.

Did the monthly "Fleece" awards do any good? Did the agencies act to reform these abuses or did they duck, cover-up, and excuse their behavior.

Before the answer to that question, in case you missed some of them, here are the monthly winners.

THE WINNERS

—The first award went to the National Science Foundation (NSF) for spending $84,000 on three research contracts to find out why people fall in love.

—The NSF, the Space Agency, and the Office of Naval Research won the "Golden Fleece" for spending jointly $500,000 to determine why monkeys clench their jaws.

—The Selective Service was the winner for a $98,000 study on the need for an All-Volunteer Army after the All-Volunteer Army had been established.

—The Army Corps of Engineers got the "Fleece" for their effort to commit $6 to $10 billion to build a series of new locks and dams on the Mississippi River under a little known 1909 law designed only to provide funds for the maintenance of existing structures.

CONGRESS GETS IT

—Congress won the award for living high off the hog while much of the rest of the country was suffering from economic disaster. The big examples were increased Senate staff allowances, a $10 million House increase for equipment, phones, etc. and a new Senate Office Building to house all the new staff. The ultimate absurdity was the $1.3 million the House spent to automate 19 elevators while retaining the operators to run them.

—The Bureau of Land Management was the winner for issuing a 155 page list of requirements, including 23 fold-out diagrams, for fire equipment to be placed on two pick-up trucks. The equipment which cost about $4,000 was awarded to the low bidder for $15,497 because of all the extra time it took to fill out the forms. It took eight to 10 people just to push the paper.

—The Federal Aviation Agency got its "Fleece" for spending $57,800 to produce a 103 page report on 79 body measurements of airline stewardess trainees. It turned out that the information was useless for safety purposes which was said to be the reason for the study. Each of the 55 North American airlines has its own standards for selecting stewardesses—age, height, weight, education, etc. —so this particular study could not be used by them.

The Navy was a big winner for using taxpayers' money and 64 aircrafts to fly 1,334 officers to the Hilton Hotel in Las Vegas for a reunion of the private, non-governmental "Tailhook Association" composed of pilots and former pilots of Navy planes. They did this during the height of the energy crisis.

STEWED TO THE GILLS

—The National Institute on Alcohol Abuse received the award for spending $102,000 to determine if drunk fish are more aggressive than sober fish. They seemed to be interested in testing what it means to be "stewed to the gills" or the meaning behind the expression "he drinks like a fish."

—Energy Czar Frank Zarb got the "Fleece" for his practice of commandeering plush government jets to fly around the country urging business and civic groups to conserve fuel. His 13 flights in 1975 cost the taxpayers $25,000 and used 19,000 gallons of fuel. Half the time he flew in four engine jet planes which burn enough fuel in one hour to supply the average American driver with enough gasoline to drive for a year.

—The White House joined Congress as a "Fleece" award recipient for its increased spending for consultants, contingencies, travel, and high level personnel while calling for austerity from the rest of the government.

These monthly "Fleece" awards culminated in the "Fleece of the Year" award which the Air Force won. It operates a $66 million fleet of 23 plush jets. They made 975 flights in the first 10 months of 1975 to transport high ranking government officials almost everywhere in the world at a cost of at least $6 million to taxpayers. These flights carried 875 Administration officials and 100 flights were for Congressmen and Senators.

ACTION OR INACTION

Now the answer to the question, did the monthly "Fleece" awards do any good?

In a few cases nothing happened. In most cases the agencies were shamed into changing their ways.

Here is what happened:

SUCCESSES

The National Science Foundation did not renew two of the three contracts to consultants studying "love." The big thing they did was to review their procedures to give less provocative names to their studies.

All the studies on why monkeys clench their jaws were dropped. No more monkey business.

The Army Engineers saw the light and have now asked Congress to specifically authorize funds for Lock and Dam 26 instead of trying to do it through the back door.

Congress did cut out two out of three of the extra staff originally proposed. But the "automatic" elevators still have operators.

The Navy has announced that it will no longer fly the "Tailhook" Association or similar groups free of charge at taxpayers' expense. And Mr. Zarb has mended his way somewhat. He flew by commercial plane from Alaska to Washington shortly after he got the "Fleece."

The White House has announced a reduction in staff to a figure below 500.

All in all, there have been numerous successes by calling these excesses to the public's attention.

FAILURES

But in some areas there are failures.

At Selective Service the young man who did their study on the All-Volunteer Army was rewarded with a job at the Defense Manpower Commission because of his expertise in the All-Volunteer Army. But good news: the Selective Service Agency itself has been virtually abolished.

The problems of extra paperwork continue. They are never-ending. One answer is my bill to outlaw every form at least once every five years. Under it no new form could be issued or old form re-issued unless its need was proven and it was shortened and simplified.

The Air Force and its fleet of 23 plush planes goes on.

The ultimate failure is that the National Institute on Alcohol Abuse refuses to call off its studies to find out if drunk fish have more fights and are more aggressive than sober fish.

We seem to be unable to stop the fishy funding.

STILL YOUR HIRED MAN

If there are any specific ways in which this office can be helpful to you on a personal basis such as with a Social Security claim, military problem, Academy appointment, postal problem or veterans' claim, please drop a note, including your social security number and your phone number to 5241 New Senate Office Building, Washington, D.C. 20510.

YOUR NEWSLETTER

In order to eliminate any extra cost in the newsletter mailing, please return all extra or incorrect labels with the sequence number, indicating what is wrong to 5241 New Senate Office Building, Washington, D.C. 20510.

WELCOME TO WASHINGTON

If you are coming to Washington for the Bicentennial, please write for a copy of my 35-page booklet "Welcome to Washington." This helpful guide contains suggestions for a number of walking tours of historic areas in and around the Capital City. In addition, it provides a complete listing of the hours of operation for all major attractions.

/s/ William Proxmire
U.S.S.

SHUMAN DEPOSITION EXHIBIT 7, EVALUATION OF PROPOSAL FOR RESEARCH ON ENVIRONMENTAL CAUSES OF AGGRESSION, RONALD R. HUTCHINSON, U.S. DISTRICT COURT FOR THE WESTERN DISTRICT OF WISCONSIN

This proposal requested renewed support for Dr. Hutchinson's systematic studies of the causes of aggression in several species, including man. The studies are designed to develop the base of biological knowledge needed for efficient and fruitful research on the causes of human aggression.

Previous research by the principal investigator and his colleagues had demonstrated that pain causes animals to attack members of the same or other species, had discovered that inanimate objects would also be attacked, had developed objective methods of recording biting attacks on inanimate objects by squirrel monkeys, had demonstrated that withdrawal of food rewards or cessation of morphine injections causes such attacks, and had started to explore the physiological basis of aggression in animals. In much of this work, the experimental conditions had

been systematically varied to determine the quantitative properties of the aggressive responses. The first steps in extending the findings to human aggression had also been taken by demonstrating that withdrawal of monetary rewards or cessation of tobacco smoking produces intense jaw-clenching with quantitative properties similar to those of the biting attacks of animals.

The proposed research was to further investigate the conditions that produce or diminish aggression. Biting attack by squirrel monkeys on an inanimate object was to be measured under a variety of conditions, using pressure transducers to relate bite force to attack probability, frequency, and duration, and using electromyographic recording to relate the results to those obtained for human jaw-clenching. Isolation of human subjects for 30 to 90 minutes was to be studied as a condition producing jaw-clenching, and the relationship of aggression produced by isolation to that produced by painful stimulation was to be studied by testing mice that had been housed either in isolation or in social groups. In all of these studies, the quantitative properties of the aggressive responses were to be the basis of comparisons between conditions or between species.

The proposal was reviewed by the Psychobiology Program, with the assistance of four mail reviewers and the eight-member Advisory Panel for Psychobiology. Two program officers were present during the Panel discussion.

All reviewers recognized the value of Hutchinson's systematic, quantitative approach to an important research area that has often been plagued by subjective techniques. There was also general agreement that Hutchinson is a highly competent, hardworking, and productive investigator, and that his experiments are well designed and well executed.

Several questions arose and were satisfactorily answered. The link between the work with human subjects and that with other animals was one of these. Most reviewers were satisfied that Hutchinson's previous and proposed comparative studies were establishing a sound basis for revealing similarities and differences among species, and that his animal models for human aggression had been chosen for good reasons. Experiments with human subjects did not involve painful stimulation or administration of drugs, and provisions for informed consent and for protecting the rights, health, and safety of human subjects were well documented in the proposal.

The techniques used in the research are increasingly focused on narrowly-defined bits of behavior, which are thus increasingly remote from naturally-occurring behavioral patterns, but this restriction is what permits Hutchinson to automate his experiments and thus efficiently record quantitative data on objectively-defined responses. The use of only a few subjects in most of the proposed experiments was viewed as being adequately justified by the orderly, and thus predictable, nature of the data. Indeed, the most important reservation about the proposal was that the results were *too* predictable, that the research was proceeding slowly because of the small steps from previous work to that proposed. Yet it was recognized that Hutchinson and his colleagues had already made substantial progress in this fashion, and that his careful, systematic approach allowed him to introduce innovative techniques without leaving too great a gap between the new results and those of his previous work.

In sum, the proposed research was expected to contribute systematic but not spectacular advances to our knowledge of a topic that has very direct bearing on important human problems. All reviewers favored support for the project.

Although some reviewers considered the budget reasonable for the amount of work proposed, others recommended moderate reductions. Taking into account the limited funds available to the Psychobiology Program and the fact that ONR was supporting a related project, the Program Director discussed the budget with Dr. Hutchinson. Satisfied that a severe reduction in budget would still permit much of the proposed research to be performed, the Program recommended support for three years, with annual budgets totaling $18,100, $17,300, and $16,400, less than half the level of support requested.

SHUMAN DEPOSITION EXHIBIT 9, REVIEW OF RESEARCH CONDUCTED BY RONALD R. HUTCHINSON AT KALAMAZOO STATE HOSPITAL UNDER CONTRACT WITH THE OFFICE OF NAVAL RESEARCH, U. S. DISTRICT COURT FOR THE WESTERN DISTRICT OF WISCONSIN

Aggression is a ubiquitous phenomenon among man's responses to various unpleasant stimuli. From one point of view the military is presented with a dilemma when dealing with aggression. On the one hand aggressive, hostile, destructive action is desired and encouraged when it is directed toward an enemy. On the other hand this same behavior could be disastrous if it were to extend outside the desired arena and be directed toward members of one's own group. The study of aggression, its causes, the internal conditions underlying it, the expression of aggression in the form of hostile acts, and the control or aggression in situations in which its expression would be inappropriate or disruptive—is an appropriate undertaking for military research. Here, too, the researcher is faced with a dilemma, for while much can be learned

by observing aggressive behavior as it occurs in daily life, no humane researcher can manipulate events and people so as to observe the varying degrees of hostility as the situation is altered in one form or another. Thus, in order to develop a more complete understanding of the causes and underlying physiology of aggressive behavior and techniques for controlling such behavior the researcher must turn to animal models.

It is with this background in mind that research on aggressive behavior was undertaken by the Office of Naval Research. Clearly there are numerous instances in the Navy where personnel must interact for relatively long periods of time, e.g. shipboard, submarine, or patrol aircraft. Misdirected or otherwise inappropriate aggressive behavior easily could be disruptive in such situations.

The research undertaken by Dr. R. Hutchinson had included among its objectives the identification of environmental and physiological events which result in aggressive behavior, the quantitation or measurement of these events and reactions, and the identification of possible techniques for reducing aggressive behavior in response to these events. The approach was experimental and used rats and monkeys as experimental subjects. The response chosen to be measured was the animals' biting on a specially designed device in response to unpleasant stimuli of varying frequency and intensity. The biting response is recognized as a hostile event and with the use of the biting device, the frequency, intensity, and duration of the response can be quantified. Thus both the stimulus and response characteristics of the behavior can be measured quite precisely.

In the course of experimentation, the investigator, using varied animal models, verified that jaw clenching is

a fairly reliable indication of the possible onset of overt aggressive behavior, which might be expressed verbally or physically or in some other form. He also established a means of measuring the increasing amount of aggression produced by unpleasant stimuli as evidenced by biting behavior. This could lead to techniques for determining when aggression in an individual is approaching a danger point. A third finding demonstrated that when an innocuous event, which originally occurred at the same time as an unpleasant stimulus that produced aggression, is later repeated, then aggression can be triggered even though the unpleasant stimulus itself is not present. It was also demonstrated that extended exposure to stressful situations produced a condition of hyperirritability and hyperactivity even when the original unpleasant stimulation was no longer present.

Different pharmaceutical agents were tested, and it was shown that (1) certain tranquilizers increased general motor activity while decreasing attack behavior, and (2) that stimulants such as amphetamines, which are sometimes used during long work hours to produce alertness, tend to increase both types of behavior at initial dose levels but then tend to decrease both types as dose level is increased. Measurements were also made as to what degree excessive caffein can cause aggressive behavior.

This research has provided the Navy for the first time with an objective scientific testing system for measuring and examining aggressive behavior, and this permits, for example, an evaluation of specific effects of various pharmaceutical agents on these behaviors. Such information could well lead to procedures which would permit control and modification of aggressive behavior in situations where that behavior would be inappropriate and disruptive.

The results of the experimentation have been presented at national and regional meetings of Federation of American Societies for Experimental Biology and the American Psychological Association. Also, the results have been published in journals such as *Life Sciences*; *Journal of the Experimental Analysis of Behavior*; *Physiology and Behavior,* and have been reported as chapters in recent books, e.g. *The Nebraska Symposium on Motivation*; *Operant Behavior,* Volume II; *Schedule Effects Drugs, Drinking and Aggression.*

It should be noted that Dr. Hutchinson's work was supported by the Office of Naval Research over a six-year period at an average of $34,500 per year for all costs, including the use of animals and overhead. This is considered a moderate expenditure by the Navy for basic research.

SHUMAN DEPOSITION EXHIBIT 12, "REASON FOR NASA SUPPORT OF WORK BY DR. RONALD R. HUTCHINSON", U. S. DISTRICT COURT FOR THE WESTERN DISTRICT OF WISCONSIN

The National Aeronautics and Space Administration is sponsoring a program of research to develop improved selection and training methods for crews of space vehicles. This will be of particular importance in possible future long-duration manned space flight. Since crews would be required to live and work together in confined spaces for long periods of time, it will be important to choose people who can work together effectively.

One of the first objectives of this project was to develop measurements of latent anger or aggression in order to measure the development of interpersonal hostility in

normal people brought into the laboratory. It was demonstrated that at least one measure, jaw clenching, may be an appropriate indicator for this purpose. This technique records the electrical discharges from the jaw muscles (the masseters). With such recordings an indication of hostility is obtained, apparently even when the person is unaware of any change in his attitude, and unaware that his jaw muscles have tightened.

This particular indicator of anger has been used in laboratory studies to assess conditions which produce anger. If anger is inappropriate or misdirected, it can lead to less effective crew performance in carrying out the assigned tasks of the group. In addition, it is possible this measure could be used to identify people likely to become angry and aggressive in a given situation and thereby compromise their performance, especially on future long-duration manned space missions. It is hoped that measurement techniques that are reliable and noninvasive can be applied, ultimately, to the actual selection procedures for crew members, and will identify in advance people who may react in such a manner as to jeopardize crew functioning under conditions of extreme stress.

EXCERPTS FROM DEPOSITION OF MORTON SCHWARTZ, SEPTEMBER 15, 1976, U.S. DISTRICT COURT FOR THE WESTERN DISTRICT OF WISCONSIN

* * *

[Page 8] Q. What did you next do regarding Dr. Hutchinson or his work? A. I examined the documents sent to me and decided it was worth pursuing further to have a better understanding of the nature of the work, and so I contacted Congressional Liaison of NASA and

asked them for copies of the reports listed in the document that I had received and also the costs involved to the Federal Government in the work associated with the reports, the documents.

Q. Do you recall approximately when you contacted NASA? A. Approximately April—it was during the first week in April.

Q. Did you contact any other Federal agencies at that time? [Page 9] A. No.

Q. Did NASA send you the documents you requested? A. Yes.

Q. What documents did they send you? A. They sent me a copy of Mr. Keenan's Master's thesis and the progress report of Dr. Hutchinson supplied to NASA, I believe it was supplement No. 3 for the period of calendar year 1974. Actually it was February 1, '74 to maybe January '75.

Q. Is that report one of the reports that's contained in your records which was turned over to Mr. Raywid and he, in turn, showed us this morning? A. Yes.

Q. What did you do after you reviewed the documents from NASA? A. I noticed in evaluating those documents that, particularly in the Keenan, in his acknowledgement page, he acknowledged a number of agencies as having helped to support the work. Listed was the Office of Naval Research, NASA, which obviously I had some of those documents in my hand, the National Science Foundation, and the state of Michigan Department of Mental Health. I then began a process of contacting the Federal agencies [Page 10] which were listed as contributing to this work.

Q. Who did you contact at each of the Federal agencies? Do you recall the name of the person? A. At Congressional Liaison at NSF, it was a Mr. Wilson that I got, and I don't recall precisely the first contact at ONR, but the contact I remember getting as the one who was the program manager of this work at ONR was Mr. Robert Woodward.

Q. Did you—excuse me. Were you finished? A. Yes.

Q. Did you request documents from Mrs. Wilson and Mr. Woodward? A. I'm sorry. It was mister. Masculine.

Q. Mr. Wilson? A. Yes.

Q. Did you request documents from those two individuals? A. Yes.

Q. What did you request? A. I requested all contracts, progress reports and financial information on the work under the contracts which were listed in the NASA document, the Keenan document. The exact citation as to the project was listed, and so I was able to give them the project by number in each case and said I wanted all [Page 11] information on that contract or any other contract flowing around that work.

Q. Were those documents then sent to you? A. Yes.

Q. What did you next do in investigating Dr. Hutchinson's work? A. I received the documents and began to evaluate them. I worked first with the National Science Foundation documents which were quite extensive and spent a number of hours examining these documents. They included progress reports, grant proposals in which Dr. Hutchinson reviews his work, the progress on what he

intended to do in the future. In addition, it included some communications between Dr. Hutchinson and the National Science Foundation, it included a document which was a summary of an office visit that Dr. Hutchinson had with Mr. Fred Stollnitz of the National Science Foundation, and I can't remember, there was another individual in that conference.

Q. Excuse me. Was that an office visit to Mr. Stollnitz's office? A. To Mr. Stollnitz's office as I remember it from the documents. In addition, I had asked for an evaluation, a justification of the funding of Dr. Hutchinson from the National [Page 12] Science Foundation.

Q. Did you receive that? A. Yes. And I evaluated a large amount of material. In it was some summaries of ONR, Office of Naval Research, grants and summaries of grants, and so I proceeded to evaluate that very large package.

Q. Do you still have the justification you received from NSF? A. Yes.

* * *

[Page 15] Q. Have you ever said or indicated to any of these Federal agencies that you or Senator Proxmire would be pleased or would desire to have Hutchinson's funding cut? A. It would go against office policy to make that kind of statement and I did not.

Q. Have you ever made that implication to any person within one of the Federal agencies involved in this matter? A. I wish you would explain what you mean by "implication."

Q. Have you ever stated anything to someone at NASA, NSF, NIDA, or ONR the implication or tone of which would be to indicate your or Senator Proxmire's

displeasure with their continued funding of Dr. Hutchinson? A. I want to be responsive to your question.

The nature of the press release reflects our feeling that in Senator Proxmire's review of public expenditure and the staff doing it as part of his legislative duties, that we felt in looking at the priorities of Government spending that this was something that should not be receiving high priority. That was stated in the press release.

Q. Has that feeling been expressed by telephone or in [Page 16] person to anyone in the agencies that I have mentioned? A. I had a conversation with Fred Stollnitz on April 14 and on April 15 in which I discussed the criticisms which became part of the press release, so in that sense, in discussing the work we were involved in, the feeling that our evaluation was that in terms of public spending and evaluating it broadly in terms of alternatives and the kinds of things that Senator Proxmire is in charge of, the National Science Foundation in particular, that we felt that this was not something that should be receiving high priority.

Q. Was that 1975? A. That was April 14, 1975 and 15. It was the sum and substance of what later became the press release.

Q. Did Mr. Stollnitz reply to you? A. Yes. We had some discussion in which he really, I guess, may have been reading from this document which later came over to me. I had received the fundamental package of National Science Foundation material a number of days before and this evaluation had not come across yet and that was one of the reasons I was calling Stollnitz. I wanted more information on why they were doing this because I was going to give them an indication of our criticism. I wanted his defense. And he said [Page 17]

that basically the work was sound. I would honestly say he did not defend it as the most important research but said that some progress was being made in this area, that it was an area of not great theory having been built yet, so this kind of empirical research did add to the body of knowledge. Again, something that I raised, which we discussed, was the fact that it appeared as though the steps were extremely small, that the work appeared to be replicating through the entire animal kingdom, and he said yes, it was true, it was something that was bothering the people who were evaluating the work but that on balance, they felt that it was worth continuing.

Q. Did you ever talk to Mr. Stollnitz by telephone on any date other than April 14 or April 15, 1975? A. Yes. I spoke to him in January before my telephone conversation—am I allowed to correct now if something comes to mind about another conversation with Michael Weinberg?

Q. Sure. Go ahead. A. Because it was in December that the constituent asked Senator Proxmire and I contacted Mike Weinberg on a broad number of fleeces that had touched on NSF. Many of them I had not been involved in, but I made that phone call, and in discussing Dr. Hutchinson's work in December, it was made clear to me by Mike [Page 18] that Hutchinson was no longer being funded, that is, the grant had run out, but that he did have a proposal which had not yet been fully evaluated by the staff. Senator Proxmire, in preparation for a news release in January, I wanted to make sure I had all the information up to date and correct and I contacted Fred Stollnitz initially because he would be the one who would have at his fingertips the situation with Hutchinson and it was the one that appeared to be hanging. Mr. Stollnitz refused to acknowledge that there was

even a grant proposal and I said I was aware of it and he said, "Well, I don't believe I have to tell you anything, I don't have to tell you if there is a proposal or not," and I said, "You are telling me—as a representative, I am seeking information, my Senator's legislative duties are to check on the appropriation, the public spending of funds by the National Science Foundation—that you are not going to give me this information?" And he said, "Well, that's it, you will have to get it from someone else," and I said, "I sure will," at which point I contacted Mike Weinberg and the conversation which I described as occurring in January occurred.

Q. Was Mr. Stollnitz hostile on the telephone with you in January of '76? [Page 19] A. He certainly was not cooperative and I would think the word "hostile" would be appropriate.

Q. After talking to him for a while, did you become hostile? A. Yes. I was upset.

Q. Did you say anything to Mr. Stollnitz at that time about the funding of his agency? A. I was angry. I told him I would get that information. I did not in any way threaten his agency. First of all, it's not my authority to threaten them and I just didn't have the power to. I realize that I am a Legislative Assistant to William Proxmire and I certainly can't threaten a low level official of an agency because I don't have the authority to and I certainly couldn't carry out that threat and it would serve no purpose to antagonize him further, but he had antagonized me because it is his job to supply information. He felt he wanted to go through Congressional Liaison, I guess, and yes, I was upset with him and told him so.

Q. What is the normal procedure for obtaining information from a Federal agency such as NSF? A. It depends what information you want and what the purpose is. In general, a first contact is made with the [Page 20] Congressional Liaison people. However, as you have worked in the field and you begin to know people, the Congressional Liaison quite often will merely turn you over to the person who has the precise information or will get it for you, and in the case of my long-term working relationship over two years with NSF, I know many of the people in the agency at all levels and, therefore, I make direct telephone calls to the people who I know would have the information. When I'm not certain who would have it, then I would call up the Congressional Liaison Office, so that you always begin with Congressional Liaison. The more information you have, the more quickly you can get through to the people who have the information. In other words, the more you know about the personnel and their authority and their information, you can reach right in and get the right answer.

Q. Are there any written rules anywhere that you are aware of that deal with who a congressional aid should contact at a Federal agency when seeking information? A. I don't know of any. I would think that we have great latitude. The process of legislation, appropriation, oversight, I don't believe there are any rules governing how I should go about contacting people.

* * *

[Page 25] Q. Briefly, Mr. Schwartz, what are your duties? A. Fundamentally my title is Legislative Assistant. It's my job to work with the Senator in his legislative duties. That involves advising him on pending appropriation and authorization bills before the floor of the Senate. That's one of the roles I play. My specific areas are in the social programs.

Q. Approximately what percent of your time would be spent advising the Senator? A. Advising the Senator—I'm sorry. I mean I advise him constantly. My work is constantly advising him.

Q. All right. Let me make it more specific. [Page 26] A. Please.

Q. What I would like you to tell me is briefly what you do, what your duties are, and I assume there are a number of subduties and I would like you tell me approximately what percentage of your time is spent on each of those subduties? A. Preparing for hearings, background on committee assignments of Proxmire. In other words, I will monitor the status of bills under, for example, the appropriation. I will watch it as it comes across the House, check the amendments, check what might be controversial for the Senator in let's say Labor, HEW appropriations. As it comes to the Senate, my job will be to monitor the important hearings. If an issue that Senator Proxmire is particularly interested in is coming up, it's my job to inform him of it, if he wants to make a statement, prepare that statement, do the background, and after the hearing, to monitor it as it goes from the subcommittee to the full committee, same procedure from the full committee to the floor. On the floor, if he's interested enough, I will pursue it by being on the floor with him, prepare his speech. From there it goes to conference, that would be following the line of strictly legislation.

Now, where he is in charge and he has hearings, for example, [Page 27] National Science Foundation, there his job is to evaluate the programs directly as chairman, the issues broadly involve him as opposed to specific things in Labor/HEW. In that, I will pick out a subarea because there are a number of other staff people working on it. In the case of NSF, for example, I have had a great

interest in how well they coordinate with other agencies. That's been an interest of mine. How well do they share information, how well do they monitor after the fact the kind of work that they are funding.

Q. Mr. Schwartz, would you say that generally your duties break down into advising the Senator, preparing information for him to use on the floor or in committee? A. Yes.

Q. As one broad category? A. Yes.

Q. And as another broad category, answering inquiries or working on inquiries that come into the office from constituents? A. That is not quite a separate function. I mean, it depends how you want to play games with functions because quite often these inquiries are directed at areas that Proxmire controls and will involve me in investigation which leads to hearings. That happens quite frequently.

[Page 28] Q. That's something you do on a regular basis? A. Yes.

Q. Did you receive justifications from agencies other than NSF prior to the release of the news release? A. Prior to April 18?

Q. 1975. A. Yes.

Q. What other agencies did you receive justifications from? A. NASA, and I believe I had received ONR. I believe I had. I had received NASA and I received ONR also. To the best of my recollection. To the best of my recollection on ONR.

Q. Would you look at what has been marked as Plaintiff's Deposition Exhibit No. 9 this morning and tell me if that is the justification you received from ONR? A.

To the best of my recollection, this is. I have not examined this document in detail and I did not retain a copy of the document, but as I have looked at it, it does appear to be the justification I received prior to the April 18 floor statement.

Q. Thank you.

Would you look at what has been marked as Plaintiff's Exhibit [Page 29] 12. Is that the justification you received from NASA prior to April 18, 1975? A. Yes.

Q. Do you know approximately when that document was received? A. It was while I was preparing—on or about the 14th of April.

Q. Mr. Schwartz, let me show you what appears to be a buck slip from NASA, dated 4/10/75. Do you recall if that buck slip was attached to that NASA justification? A. I don't remember this buck slip, but the writing on the bottom clearly I did not receive, but it very possibly is the document I received. I just cannot completely—you know, my assumption is it is the document but I have no recollection of it.

Mr. Cavanaugh: So that the record is clear as to what we were referring to, would you mark this as Plaintiff's Exhibit No. 13.

(Document referred to was marked Plaintiff's Deposition Exhibit No. 13 for identification and subsequently attached to the court copy of this deposition.)

By Mr. Cavanaugh:

[Page 30] Q. Mr. Schwartz, can you look at what has been marked as Plaintiff's Exhibit 8 from this morning's deposition and tell me if you recognize that document? A. Yes. As I recall, this was included in the

material I received from—yes, I remember distinctly now because it said, "It is understood that NSF and NASA are also considering similar research proposals from Dr. Hutchinson." Yes. This was a document in my possession at the time we completed—by the time Senator Proxmire made that floor statement, yes.

* * *

[Page 34] Q. When did you talk to Mr. Dickenson? A. Dixon.

Q. Dixon. A. I had a number of conversations with him and the one that I recall at this time with Lee Dixon occurred after the release, some time down the road where I was doing other work in connection with NIMH funding. I was aware from the documents that I received from NSF that there was funding for Dr. Hutchinson by NIMH and I called Mr. Brackett, who is in the statistical section of NIH, they do the computer work, and asked him to do a computer check, and he told me over the phone—this is previous to the floor statement—that Dr. Hutchinson had had a large number of grant applications and that all had been turned down that had been evaluated, except for one which appeared to be when he was a graduate student back in the early '60s.

Q. Did you ever do anything to verify that statement by Mr. Brackett, that all of Dr. Hutchinson's applications, except one, had been turned down? A. Is this previous to April 18?

Q. Yes, previous to April 18, 1975. A. Yes, because I was confused. I spoke to the state of [Page 35] Michigan, Department of Mental Health, and I was trying to get a handle— I mean, there were just so many grants it appeared Dr. Hutchinson had. so many reapplications, that I was hoping that this would be a point of consoli-

dation of information, and they were to some extent. They said there was, in fact, a National Institute for Drug Abuse grant, and when Mr. Brackett said no, I believe that I called Congressional Liaison and I was informed by NIDA, and I can't remember who it is at all, that, in fact, there was no grant to Dr. Hutchinson, so I had three pieces of information: Michigan said yes, the computer said no, and then my check with NIDA said no again, and so I had not been able to verify that one, but I did try to verify it.

I did not speak with all the sub-agencies of NIH and NIMH from the computer run. I just assumed the computer run was accurate.

Q. How many times did you talk to Mr. Woodward on the telephone? A. Before April 18?

Q. For now, before April 18, 1975. A. I can't recall, but I believe it was twice.

Q. What were the approximate dates of those phone conversations? [Page 36] A. The first one was somewhere between the 9th and the 11th and perhaps the second one was around the 14th. My memory is vague on anything but an initial contact where we discussed the work of Dr. Hutchinson, but I have some recollection of a phone call, a second phone call in which again we talked about the nature of the material in terms of why they were funding, what they were trying to get out of this work.

Q. Did you take notes on those telephone conversations? A. Very briefly, because it was made clear to me that the material— I was going to be receiving the material.

Q. Do you know when those notes were destroyed? A. Yes. Approximately— ONR sent over a tremendous amount of material, as they promised, and that was one reason I did not take careful notes, they were promising all the material and they delivered. I mean, when it came into my office, I remember the secretary saying, "You've got some material here," and I mean it was two feet of material. Let me finish the answer, if I may. I went through much of it, not all of it, a lot of it was just really kind of equipment requests, just about everything was in there. Very importantly, though, as I remember—and I was told I was going to get this, too—was reprints of publications of Dr. Hutchinson which had appeared in [Page 37] the professional journals, but there was a big note on top and they said this again to me—this is why I must say there is a little confusion whether or not there was a Congressional Liaison person involved at one point in addition to Mr. Woodward. That's my honest—this is over a year ago in my recollection, that I would have to return this material, that they were giving me everything, they didn't want to xerox this amount of material and, as usual, they pointed out that my Senator is always concerned about wasteful public expenditure and I said, "I certainly agree; that's our job here to keep wasteful public expenditure to a minimum," and they said would it be all right if they sent me the original material and then, when I was through working with it, would I return it, and I said that was fine.

At the time that I decided to return it, which was at least a month later, as I remember it, I had this tremendous set of files on Hutchinson, notes, materials, reprints. I put all the ONR stuff back and put it in the mail—in fact, they sent somebody over to pick it up.

Q. Did you go through all those documents? A. I went through most of them. I did not go through all the ONR documents.

* * *

[Page 46] Q. After the news release was issued, were you personally contacted by any members of the news media? A. Yes.

Q. Approximately how many people contacted you after the news release? A. Not too many. Because I had informed Dr. Hutchinson ahead of time in a telephone conversation and read the text of the release, his answer was prepared and available to the news media before, and so the embargo ended up being broken and so the story really did not get the normal kind of coverage that a Golden Fleece does and it really was only several. I remember the day before the floor statement, Michigan—I don't remember who it was—represented a number of small papers and contacted [Page 47] me and I gave him the facts as were in the release and I don't remember anything about that conversation. That evening, on the evening of the 17th, I returned home from attending a Library of Congress concert with my wife and there was a message in the hands of the baby-sitter that I should contact an AP reporter and I didn't know the reporter, I called back, and they explained to me that a story had gone out across the wires because the Detroit office of AP had received Dr. Hutchinson's response to a nonexistent press release, as far as Detroit was concerned, and they called back to Washington and Washington did not have the story, and so they called the Press Secretary, who said I had worked on it, the baby-sitter took the message, the Detroit people obviously wanted to move on it, as I understand it from the reporter, so they told the AP reporter, I guess, to follow up, and finally they got hold

of Ron Tammen of Senator Proxmire's staff who gave them a very abbreviated version which did not contain most of the conclusions of the press release but was correct. As I explained to the reporter, there were no factual errors in the statement. It was not, in fact, precisely the press release and left out much of the material involving questions on issues such as duplication or fortune that did not appear in that AP release. The AP reporter [Page 48] explained that that is sort of the way it goes.

Then the next day I had a conversation with another AP reporter who said that he would try to give the full story and he called back to say he had been sorry, but it had been cycled twice and if there is no brand new news in it, they were constrained to just let it go, they couldn't put another story on the wire. That day, which is now Friday, the 18th, and the following Monday, the 21st, I have a vague recollection of perhaps a local reporter here or a small time trade publication or something—I really have no specific recollection—but I just have recollection that several additional reporters, a few, very few, contacted me. One thing I remember verifying was the fact that there had been a number of animals involved, other than monkeys, in the work, including a boa constrictor. That distinctly comes to mind, this reporter saying a boa constrictor, and I said, "Yes, he worked with inducing aggression and attack in boa constrictors." Now, after that, you begin to get newspaper people contacting Schwartz, Shuman mainly, Schwartz and Shuman and Carl Iffort, the Press Secretary, getting background on the total picture of Fleeces so that it is possible in the time between the 21st of April, 22nd of April, and Dr. Hutchinson's action against us, that several of us on the staff [Page 49] made passing reference to the work of Dr. Hutchinson. I am not certain even in my own case whether I ever

used the name Dr. Hutchinson or not. I would tend to doubt it because I was tending to summarize individual Fleeces and work and identification was important in the case of Dr. Hutchinson's Fleece because that was the link, it was over many different agencies and over many organizations that were involved that Dr. Hutchinson was associated with, but I don't believe I used his name after that. But to try to fully answer this question, later on I'm sure his work was referred to newspaper people over the phone by one or all of those three gentlemen.

Mr. Raywid: Let's take a recess.

(A short recess was taken.)

By Mr. Cavanaugh:

Q. Mr. Schwartz, let me give you Plaintiff's Exhibits 4, 5, 6, 10 and 11 and, if you would, I would like you to look those over and tell me if those are some of the documents you had prior to the April 18, 1975 news release? I will state for your information those are documents that we took out of the record of documents from Mr. Raywid's file this morning.

Mr. Raywid: Well, can I have the index back?

Mr. Cavanaugh: Sure.

[Page 50] Mr. Raywid: These are identified on this document list here by number.

The Witness: These don't contain my notations.

Mr. Raywid: He's asked you if these come from your files and I am advising you in addition to what he advised you, that here is an index of the files which you can refer to and I believe they came from this particular file (indicating).

The Witness: If I am being told they came from this particular file—

Mr. Raywid: Well, that's only to assist you in the interest of time, Mr. Schwartz, but I assume Mr. Cavanaugh wants a verification.

Mr. Cavanaugh: That's correct.

Mr. Raywid: If indeed these were documents in your possession and from your files.

The Witness: The answer is yes.

By Mr. Cavanaugh:

Q. Mr. Schwartz, you indicated that you had received a rather large quantity of documents before the press release was issued. Are those documents documents from the bulk of material you had before the press release was issued? A. Were they from the bulk of the material?

[Page 51) Q. In other words, are those documents you had before April 18, 1975 as opposed to documents that may have been acquired after April 18?

Mr. Raywid: Referring again specifically to Plaintiff's Exhibits 4, 5, 6, 10 and 11?

Mr. Cavanaugh: That's correct.

The Witness: Yes. Those were in my possession.

By Mr. Cavanaugh:

Q. Okay. Thank you.

Do you know whether or not Senator Proxmire or any member of his staff ever appeared on any radio or television show and discussed either Dr. Hutchinson or his work? A. I have no knowledge of that.

Q. Do you know whether or not Senator Proxmire was on the Mike Douglas show and during which appearance he discussed the Golden Fleece Awards?

Mr. Raywid: You mean as of today or—

Mr. Cavanaugh: As of today.

The Witness: As of today?

By Mr. Cavanaugh:

Q. When I say "as of today," I mean any show as of up to today and any knowledge you acquired at any time up to today. [Page 52] A. When I read the material—I don't know the term—associated with this case—

Mr. Raywid: The complaint?

The Witness: The complaint. Thank you.

—the complaint, I assume by Mr. Cavanaugh, I became aware of Senator Proxmire being on the Mike Douglas show.

By Mr. Cavanaugh:

Q. Do you know of any other radio or television shows the Senator appeared on during which there was a discussion of Dr. Hutchinson or his work? A. I know of none.

Q. Do you know of any staff person that was on such a radio or television program? A. I know of none.

Q. A while ago we were talking about the Office of Naval Research giving you a quantity of documents. Is that correct, sir? A. Yes.

Q. These are documents you received before April 18, 1975? A. Yes.

Q. Did you review those documents prior to preparing the news release? [Page 53] A. Not prior to the first draft.

Q. Did you review them between the first draft and the final draft?

Mr. Raywid: You are speaking of the material from ONR?

Mr. Cavanaugh: ONR.

The Witness: I believe that I received the bulk of that material on the day of preparation of the final draft.

By Mr. Cavanaugh:

Q. Did you review that material before the final draft was completed? A. I looked at some of it, but I had not completely digested it.

Q. Did ONR refuse to give you any documents that you sought? A. No.

Q. Did you also receive documents from NASA prior to your final draft of the news release? A. As I stated earlier, I received the progress report and I received the Keenan Master's thesis and I received the statement of justification for the work of Dr. Hutchinson.

Q. Did you seek any documents from NASA which NASA refused to give you? [Page 54] A. I sought complete cost information and I received oral information which appeared to be confused on the part of Mr. Allen.

Q. NASA did not refuse to give you any documents of any sort, did they? A. I do not believe that they were completely responsive to my asking for all cost information.

Q. Did you ever ask NASA if you could come over to review documents? A. No.

Q. Did you instead ask them to send the documents to you? Instead of going to NASA to look at the documents, you asked NASA to send the documents to you? A. What documents?

Q. The documents that you reviewed. A. I asked them to send me a copy of the Keenan material and the progress report, which they did send me.

Q. Did you receive documents from NSF prior to the final draft of the news release? A. Yes.

Q. What did you receive from NSF? A. I need to reference exhibits to give the complete list [Page 55] of it.

Q. Were they things such as progress reports? A. Progress reports.

Q. Grant proposals? A. Contracts, grant proposals, office visits, notes on office visits.

Q. The justification that you have asked them to prepare? A. Yes.

Q. Anything other than that you can recall? A. Yes. A sheet which summarized the total expenditure.

Q. Did NSF refuse to give you any documents that you sought? A. No.

Q. Did you request any documents from NIDA? A. NIDA is the correct pronunciation. I did not seek documents from NIDA prior to the news release.

Q. Have you sought documents from NIDA after the news release? A. In connection with Dr. Hutchinson or any documents?

Q. In connection with Dr. Hutchinson. A. No.

Q. Did you request any documents from NIMH prior to the [Page 56] news release pertaining to Dr. Hutchinson? A. Let me state it this way: In each case where I responded "No," where I asked NIDA if there was any grant and to send me the information, since they told me there was no information, nothing was sent to me, but I believe I misunderstood that question. I did ask for documentation. They said that they did not have any current grants which were operating. As best I can remember it, NIMH, National Institute of Mental Health, I contacted them. Other than the '62 one, I was not interested in that, so they did not send me any materials. My request to each agency was let me know what current operating or completed grants there are of Dr. Hutchinson and send me the materials. So that they did not send me materials because they claimed they had no current grants or past grants with him.

* * *

[Page 62] Q. Did that person from the Department of Mental Health you spoke to mention to you that the grants went to the Department [Page 63] of Mental Health or to a particular state hospital rather than directly to Dr. Hutchinson? A. I don't remember that because it's well understood that the funds in all grants do not go to individuals but go to the institution that the individual is associated with for the support of that work. That money is linked to the work of that individual but the funding, of course, goes to the institution.

Q. And you knew that before the April 14, 1975 telephone conversation? A. I've known it for all my academic career. I've known of the procedure.

* * *

[Page 65] Q. What was the purpose of mentioning Dr. Hutchinson by name? [Page 66] A. I saw no

other way of writing it. Here was a case of research over seven years, he was associated with Western Michigan, he was associated with Custer State, he was at Kalamazoo State, he also had another group in which some of his professional papers list the Philip Morris Corporation, there was this Institute for Behavior Research, and it was over a number of agencies, the link, the common link was Ronald Hutchinson and his work. There really was no other way to get the thing to hang together.

Q. Did you consider the possibility of mentioning or referring to the researcher simply as a Michigan researcher? A. Well, but his career—you know, he was at Southern Illinois and his first grant was while he was at Yale; he was—

Q. Did you mention the fact—

Mr. Raywid: Have you finished your response?

The Witness: No.

By Mr. Cavanaugh:

Q. I didn't mean to cut you off. Go ahead. A. I mean, I was aware that Dr. Hutchinson was funded while he was a student at Yale and that he worked for the Public Health Service and that he was at Anna State Hospital and then [Page 67] he was at Custer, at Southern Illinois, associated with Southern Illinois, so it spread geographically and across agencies and across institutions.

Q. Does your news release indicate that Dr. Hutchinson received funds from the Federal agencies while at Yale? A. No.

Q. Does it indicate that he received funds while at Southern Illinois? A. No.

Q. Or at Anna State Hospital? A. May I refer to the press release?

Mr. Raywid: Well, doesn't the press release speak for itself? You know whether it's in there or not, counsel. Do we have to spend time with the witness checking whether Illinois is mentioned in there?

Mr. Cavanaugh: Well, I am not sure if it's in there or not.

The Witness: I mean, no, it's not.

* * *

[Page 72] By Mr. Cavanaugh:

Q. Mr. Schwartz, will you tell me what investigation you made of Dr. Hutchinson's work prior to the issue of the news release? A. I don't wish to filibuster. I am going to be short and precise.

Q. I don't wish to make you become repetitious either if you already mentioned such things as reviewing documents, that's fine. If you can, tell me you did any investigation in addition to what you already mentioned. A. Well, I want to make it clear what I did do. What I did do was upon finding it, I read the two documents thoroughly, including Dr. Hutchinson's own progress report; I obtained a large number of NSF and ONR documents. The NSF ones were gone over in great detail. What was most useful in this was where [Page 73] I had communications, for example, in an office case of Dr. Hutchinson. I examined those documents because there I got the candid opinion of the work by the people at NSF and that was very useful to me. In addition, I spoke for a couple of hours, a total of a couple of hours, with Fred Stollnitz. The issues raised was the broad issue of types of funding, questions of measurement in social science with which I am very familiar. I checked with experts, an expert on this issue. I had telephone conversation or conversations—I'm not sure—with people

from ONR. I read articles prepared by Dr. Hutchinson which were supplied by ONR, progress reports, summaries of information of evaluations by the agencies involved, and I may have left a few items out, but that covers most of the material I looked into.

Q. Who was the expert you checked with? A. Dr. Stephen F. Maier. That one I know. M-a-i-e-r. Professor of Psychology at the University of Colorado, contributing editor to the Journal of Experimental Psychology, Animal Process Section.

Q. How did you consult with him? By telephone, letter or in person? A. Telephone.

[Page 74] Q. On how many occasions? A. With regard to Dr. Hutchinson?

Q. That's correct. A. Once.

Q. How long was that telephone conversation? A. The total telephone conversation was ten minutes.

Q. What did you tell Dr. Maier?- A. I informed him that I was looking into the work of Ronald R. Hutchinson and asked if he was familiar with the work. He said yes. I said, "This work is complicated, it's in a field that I have some knowledge of but not with great precision, I want to make sure I am not missing anything. This may be on the frontier. I mean, you work in a field similar to this man. You review work similar to his and you know of his work. Am I missing anything? Is this exciting, innovative work? Is it on the frontiers? Is it possible that my broad knowledge of priorities in Government and looking broadly at waste and public expenditure in my job with Senator Proxmire is blinding me to some very small piece of information that only you with your expertise would be aware of?" He said,

"No, this work is certainly not of the top notch frontier innovative work."

Q. Did he say anything else about Dr. Hutchinson's work? [Page 75] A. Yes. In the conversation he—I don't remember the exact words. He categorized it as "fair or average," that he was one of many workers in the vineyards and that—again, that the work was undistinguished.

Q. Did he say that it was basically solid work? A. He did not use the term "solid."

Q. What terms did he use in describing the work? A. As I say, the best I can remember it, the impression was that he was one of a number of researchers who were working in this kind of an area and that his work was not distinguished, and that it was, you know—he didn't scale it, but that it was fair, that it was okay.

Q. Did you ask Dr. Maier what documents he was referring to in judging Dr. Hutchinson's work? A. We talked a little about that. I made it clear that I had been reading material on him but I was judging him from the point of view of priorities in Government expenditures. He didn't know anything about Government priorities and the amount of money involved, it was just upon the knowledge he had as a major editor, a contributing editor of perhaps the leading journal in the field, and a man of international reputation. I was asking him to help me not to make a serious error. * * *

* * *

[Page 77] Q. Did you ever talk to any of his Project Officers about what they thought of Hutchinson's work? A. Yes. Bob Woodward and Fred Stollnitz.

Q. What did Woodward say? A. Woodward pretty much defended it along the lines that appeared in their

evaluation. The reference was to submarines, that the work was animals, but he was moving on to humans, that he was making progress in being able to empirically measure—and that was the emphasis on everyone's part—he was developing techniques for empirically measuring aggression.

Q. This statement about measuring aggression is something [Page 78] that was told to you before the news release? A. Oh, certainly.

Q. Did they mention to you that that was the point of his work, to measure aggression rather than determining the causes of aggression? A. As I remember the conversation, a lot of it had to do with what was implied by these measurements that Dr. Hutchinson was taking.

Q. Did anyone mention to you that Dr. Hutchinson had developed or perfected a method to measure aggression by measuring the electrical impulses in the jaw muscles? A. I knew that from reading the NASA documents.

Q. Did you discuss that with any of these agency project officers? A. I can't remember whether I specifically did or not.

Q. Did Woodward give you any— A. Oh, I will correct myself, since I read to Stollnitz—well, basically discussed the material that went into the floor statement, I did raise with him the question about people getting angry and jaw muscles, and I remember discussing the question of what is he measuring. Is he measuring electrical impulse? He is measuring reaction. What does that say, though? [Page 79] And as I remember it, Stollnitz in particular, I remember, admitted that's one of the great problems in psychology, you are measuring something precisely

but you are not sure what you are measuring. So I remember saying, in other words, what you are saying is something to the effect, as I remember it, that Dr. Hutchinson is measuring something more and more precisely but we are not sure exactly what it is, and he said, well you know, they are developing data and they are trying to make psychology come out of introspection and Freudian, and now they are trying to move in a direction of empirical research and measurement, and this is one of the directions they are going in and said that he was sorry that we had decided that this work was not of high value and that we were choosing to give it a Fleece.

Q. Did Stollnitz give you his personal opinion of the value of the work? A. I can't distinguish between Mr. Stollnitz's personal opinion and the official evaluation of the NSF.

Q. Well, did he give you any opinion as to their concept of what the value of the work was? A. Yes.

Q. Did he make a statement as flat as it's good work, it's average work, it's very good or it's very poor? [Page 80] A. He, in the conversation—and this was before I received the written thing—I had his documents in front of me and so I raised several questions. One, I raised the whole thing of drug testing and said that seemed to me to be, you know, not in NSF's bailiwick and he said, well, he kind of agreed but that was just part of what Dr. Hutchinson was doing, and I said some of the conclusions just seem very obvious and he said, well, it may seem that way but you need to verify in science, and I said, do you have to verify that animals which are hungry, all other things equal, tend to become aggressive more quickly, and he said, well, we are trying to measure that.

I viewed him as trying very hard to defend it and having some trouble. He said that while there was some—and I raised this notion of didn't this seem like it was replication after replication; he said, well, there were some elements of that and that Hutchinson had this precision of being an ex-engineer and there were doubts being raised about that in his work but they had agreed that there were doubts but that on balance, they wanted to move forward at least up to that point. Obviously the panel review thought—but it seemed to me he was acknowledging—I think he may have said it—that I was raising some valid points which, in fact, were in the documents [Page 81] later and, in particular, in one document which I already had in my possession.

Q. You were just referring to the duplication issue you discussed with him, whether or not some of this funding was duplication or overlapping? A. Replication, yes.

Q. Did you ask him whether or not the agency had looked into whether or not this was overlapping funding? A. Yes, that was implied in my last answer from the point of view of the projects in NSF. Was something being built or given priorities in Government, were we paying an awful lot of money considering what else we could have been doing, and I view that my job, and that's what Senator Proxmire would, too, to move through a series of experiments which appear to be very, very close except for replication at another species level or which appear to prove the obvious.

The other side of it was something I did quiz Fred Stollnitz on carefully, what kind of cooperation did he have, what kind of information exchange did he have with the other agencies, and he said, "I understand the problem you are raising, that the work is very close, it's very similar, I have discussed it," and he used the name

Bob Woodward, because I may have brought it up [Page 82] and he said, "I know the guy at ONR, we have discussed it and we are aware that the work is very close and very parallel," and I said, "How closely do you work?" He said, "We keep in contact." And as has traditionally been in my role of preparing hearings for the Senator and the Senator's legislative work and overseeing the public spending, I have constantly looked at this question of what information exchange, does the right hand of Government know what it's spending on, does the left hand of Government know what it's spending on, and do they ever come together to clap or, in other words, to really coordinate. There is great evidence. That is one of the things we have worked on in this office with agencies, in trying to work on where public funds are not wasted, that we don't have parallel work going on.

Q. Did Woodward ever get to the point of expressing an opinion of the value of Hutchinson's work, either his own opinion or the opinion of the agency? A. It's my belief that in a comment he made before—and my recollection is not as strong as with Stollnitz's—he did explain that men are in close quarters in submarines, problems of aggression, fighting, keeping men in these very difficult social situations in an equilibrium is something obviously the Navy is concerned with and that's the fundamental reason for [Page 83] funding Hutchinson's work. He could see some question that I was raising that he was moving from animals to humans but he felt that the research was valid.

* * *

[Page 87] By Mr. Cavanaugh:

Q. On page 2, the third paragraph from the bottom, it stated, "In fact, the good doctor has made a fortune from

his monkeys and in the process made a monkey out of the American taxpayer."

Can you tell me what that means, "The good doctor has made a fortune from his monkeys"?

Mr. Raywid: You mean the total phrase or only that part of the phrase or—

Mr. Cavanaugh: The entire sentence that I read.

[Page 88] Mr. Raywid: All right.

The Witness: It means that Dr. Hutchinson has achieved great status, income, power, control of researchers, chances to take vacations, expense accounts, based upon his work from monkeys, and obviously what it implies is that our evaluation of it, our subjective evaluation is that that is a wasteful spending of public funds and the American taxpayer is paying for something that he's not getting good dollar value for.

By Mr. Cavanaugh:

Q. You mention that the doctor made great income. When this news release was published, did you know what Dr. Hutchinson's income was? A. Approximately, yes.

Q. Approximately how much was that? A. $30,000 a year, which is in the top five percent of incomes in this country.

Q. How did you learn of that fact? A. Well, I had a vast array of documentation and in it it talks about percentage of principal investigators' time and all I have to do is multiply it. For example, if ten percent of his time is $29, you multiply that by ten and his salary is $29,000.

* * *

[Page 96] Q. Prior to issuance of this news release, did you receive any figures indicating how the grants were broken down, that is, how much were salaries, how much for overhead, how much for equipment? A. Yes.

Q. You had all that information before this news release? A. I had considerable—you used the word all this— I mean I had considerable information on it.

Q. Mr. Schwartz, did you have a telephone conversation with Dr. Hutchinson at about the time of this news release? A. Yes.

Q. How many conversations did you have with him? A. I recall two. One before the release and one after the release, after the floor statement of the release.

Q. Were those the only two times you ever talked to Hutchinson? A. To the best of my recollection, yes.

Q. Did you call him on both of those occasions? A. No. To the best of my recollection, I called him to read him the Fleece that was going to be going out concerning [Page 97] his work and then he called me on the 22nd of April.

Q. What was the substance of the discussion during the first telephone conversation? A. I began by explaining to him that we had been looking at his work and at the agencies that were funding him and that we were proposing to award the Golden Fleece and explained to him that I wanted him to be prepared, I wanted him to verify, make any corrections, and I wanted him also—two words I guess would be verification and notification. I was asking him to verify the facts. I read him the press release and asked him to let me know of errors in it and I explained to him that it would be going out on this date of—it would be mailed out—and I was going to mail him a copy, which I did, and explained to him

that it was put out ahead of any official statement by Senator Proxmire so that the press could be aware of it and I wanted him to be aware of it because he undoubtedly would be receiving telephone calls. I proceeded to read the release, the text of it, I had it in front of me, and I asked for his comments and I can't remember precisely what he said and I asked for errors, and one of the things he confirmed was that the NIDA grant proposal was not a proposal anymore, that the first year of funding had begun. He objected to the total [Page 98] tone of it and I said, "Well, you know, that's our subjective judgment. What are the errors in it?" And he said something to the effect of, "Well, the whole tone, the whole direction, I don't agree with, but, you know, you are giving me a chance, I will be preparing my own reply, I will have a reply," and I repeated, "Well, can you give me any other factual errors? I want this to be correct." Now I honestly can't remember if it was in this conversation or the next one, I remember this Rolland/Ronald. I'm a terrible speller. I don't know what my phonetic problem is, but there was a typo which had his name as "Rolland" rather than "Ronald" and I apoligized for it and I said—I don't know if it's at this conversation before the Fleece statement was made on the floor of the Senate or in his conversation of the 22nd, but I remember saying again, "Are there any other factual errors?" And he did not indicate any others.

He did not bring up any other specific issues.

Q. Was that the substance of that conversation? A. That's the substance of it as I recall it.

Q. What was the substance of the second conversation? A. He called me and he was agitated and angry and almost began by saying something to the effect of, you know, "What are you trying to do, what are you

trying, to get me?" That's [Page 99] certainly the tone. It was really a hostile one. I remember saying, "What's going on?" He knew the Fleece was coming out and he beat us to the punch. I mean, you know, he weakened our presentation by—because the newspaper people tend to write around the story they see first and I was thinking to myself, I should be angry at him, and then he began to explain that he was aware of the fact that I was checking into his patent situation and that I was raising questions about his possible criminal activities, and I really spent most of this time trying to reassure him that we were not out to get him, that I wasn't out to get him, Senator Proxmire wasn't out to get him. He said, "Why are you looking into all this," and he was very agitated, and if I may use the expression, aggressive on the phone. He said, "There's nothing wrong with this patent," and I said, "That's fine, we are thinking about checking that out," and he said, "But why are you looking into this audit business," and, you know, I pointed out that Senator Proxmire had legislative duties and oversight duties and what I was looking into was again what kind of information flows were going on, I wasn't between agencies between the right hand and the left hand of Government, and I assured him that I was not interested in pursuing any of the criminal activity and he [Page 100] said, "Well, believe me, I've been cleared of all that and why are you getting into it," and I said, "Well, that's fine. Then there will be no problem." And at the end, and I kind of remember this, he said something to the effect of, "Well, you know, you are not going to get me, I am not going to let this happen to me," and I assured him again that we were not trying to get him, and that's how I remember the conversation. I remember a tremendous amount of hostility which really took me back. He did tell me—I asked him, I said, "Where did you get this information?"

And he related to me that Fred Stollnitz of the NSF had called him, and I remember saying, "Well, why did he call you? I mean, he's obviously upset you and why did he call you?"

This was one Government official to another. He said, "Well, don't you think that he really should check with me and let me know what you people are looking into," and I said, "Well, I guess I can see his point." I remember that being part of the conversation. And that's the substance of it, as I remember.

Q. Did Hutchinson get selected to receive this news release and his funding agencies, the Golden Fleece Award, because he was involved in social science research and someone [Page 101] on the staff has a bias against social science research?

Mr. Raywid: That's not correct. He didn't get a Golden Fleece.

Mr. Cavanaugh: I think I corrected myself. If not, I certainly agree he did not, it was the agency, but was his work singled out because there was some bias against social science research?

The Witness: You are saying was his work singled out. The answer is no. We have singled out a great deal of work and research. My own work includes one that was placed in the Congressional Record, Senator Proxmire asked this question and placed the press release itself—in fact, I correct myself, it was actually Senator Magnuson because Senator Proxmire couldn't be there. Senator Magnuson placed it in there and we were talking about a North American Rockwell contract with the Office of Education, and Senator Magnuson was Chairman of the Labor HEW Appropriations Subcommittee and I did that work and it's true, the Office of Education does deal

with social research but the contract involved was the technical computer aspects. That was not a Fleece, but Senator Proxmire has stated that there are certain elements in research that he does not think highly of, there are certain elements that he thinks very highly of, but Dr. [Page 102] Hutchinson was not picked out as some sort of a vendetta against social sciences. Quite the opposite. Given that Senator Proxmire has stated his feeling that social science research, some of it is questionable, we have to work doubly hard to make sure that, in fact, the work is not, as the expression goes, a cheap shot but is carefully documented, because Senator Proxmire is on record as saying I object to certain types of social science and if you are going to use an example and his attitude toward certain types of social science research is going to be represented by that example, you better do a good job and he expects it and he demands it and I think he gets it.

By Mr. Cavanaugh:

Q. In discussing Dr. Hutchinson's case with any Federal agency, have you ever indicated that Senator Proxmire has an unfortunate personal bias against social sciences? A. That I don't think is a correct quote. In discussing with a number of Federal agencies, I pointed out that I disagreed with some of Senator Proxmire's attitudes toward social sciences and that was a personal comment, and I still disagree with some of his criticisms. I am a well trained individual who has an opinion of my own and I believe certainly I know I expressed to someone like Fred Stollnitz and Mike Weinberg that [Page 103] I don't agree with everything Senator Proxmire says. By and large, I do agree with my boss. I don't believe that's a correct quote. I don't know where you obtained it from, but I do remember discussing—I do it quite openly—that, for example—

Mr. Raywid: I think you have been fully responsive.

The Witness: Right.

Mr. Raywid: Let's not go on.

The Witness: Right.

* * *

[Page 107] By Mr. Cavanaugh:

Q. How much time did you spend investigating Dr. Hutchinson before the news release? A. Total time, about a week total time.

Q. Was that a 40-hour week? A. 40 hour.

Q. Or was it doing that and doing other things? A. No. It was over a period of four weeks, approximately. I mean, one work week of total time devoted to Hutchinson.

Mr. Raywid: Extending over a four-week period?

The Witness: Yes.

* * *

[Page 110] By Mr. Cavanaugh:

Q. Have you ever said directly to any of these agencies or said to them by implication that you or Senator Proxmire desired that Hutchinson's funding be cut or cut off all together?

Mr. Raywid: Well, isn't that almost a verbatim question that you asked before?

Mr. Cavanaugh: Well, I think I limited it to an agency before and to save the trouble of going through each agency, I thought I would ask it in the broad sense.

Mr. Raywid: All right.

The Witness: That goes against office policy and I have never directly told any agency what to do on any grant, Hutchinson's or any others that were pending.

By Mr. Cavanaugh:

Q. Now, I don't wish to limit it just to what you are telling them to do, but have you ever said anything to them that conveyed the idea to them that you or Senator Proxmire desired the funding cut off?

Mr. Raywid: I believe there was a lengthy response to that before. He indicated that by the nature of the speech and press release, that the Senator was opposed to this.

[Page 111] Mr. Cavanaugh: I am excluding the press release, though.

The Witness: Well, he made a floor statement.

By Mr. Cavanaugh:

Q. Excluding the floor statement. I am talking about your conversations with these persons from the agencies. A. Could you repeat that? Did I or Senator Proxmire?

Q. No. Have you ever talked to anyone at the agency and expressed to them the idea—and I was not limiting it to you telling them but rather expressing the idea to them—that you or Senator Proxmire desired Hutchinson's funding cut? A. Except insofar as the context of the floor statement and release, you know, that stands by itself, I did not try to influence. It's not my job, it's not the policy of the office and I did not.

Q. NIDA was not one of the agencies that was Fleeced, is that correct? A. That's correct.

Q. Do you recall ever talking to an official of NIDA and saying something to the effect—after learning that they were still funding Dr. Hutchinson— "You know, you did not get the Golden Fleece this time around"? A. No. I remember discussing with Dr. Pollin that—of [Page

112] course, I had not been able to verify it, that they had not received the Golden Fleece for it. I did say that to him. That was a factual, accurate statement. And, in fact, in the conversation I distinctly remember, because I have had a number of conversations with Dr. Pollin, that I stated that I understood why NIDA was funding this work of Hutchinson, because it was strictly drug testing and Hutchinson had been working on developing a systematic way of evaluating drugs, and we then went into some discussion of what I discussed with a number of agency officials about really what were you measuring, and Dr. Pollin agreed that there really is a problem of interpreting what appears to be precise data.

Q. When was this telephone conversation? Was it a telephone conversation? A. I have had face-to-face conversations with Pollin and I have had telephone conversations. I cannot recall whether the conversation on Hutchinson occurred by telephone or in person.

* * *

[Page 113] Q. Can you tell me the context in which your statement arose, the statement something to the effect, "You didn't get the Golden Fleece this time"? A. I deny I made that statement.

Q. Okay. A. I mean, as I remember it, the statement was, you know, and as I remember the context, it was as a joke, because I had a number of friendly conversations. His agency was Fleeced or about to be Fleeced, so that in that context there is an irony, saying, "You missed the Golden Fleece for Hutchinson's work but we disagree with some of your other work," and, you know, they were in the process or had received the Golden Fleece. Can I add to my last answer?

Mr. Raywid: Well, if you think it's unclear or necessary, but we don't want to unduly prolong this.

* * *

EXCERPTS FROM DEPOSITION OF WILLIAM PROXMIRE, SEPTEMBER 17, 1976, U.S. DISTRICT COURT FOR THE WESTERN DISTRICT OF WISCONSIN

* * *

[Page 5] Thereupon,

SENATOR WILLIAM PROXMIRE

a defendant, was called for examination by counsel for the plaintiff and, after having first been duly sworn by the notary, was examined and testified as follows:

Examination by Counsel for Plaintiff

By Mr. Cavanaugh:

Q. Senator, could you explain what the Golden Fleece Award is, what it consists of. A. The Golden Fleece Award is an award that we give each month, and have since March of 1975, to the agency which has engaged in what we consider to be, or I consider to be, the most outrageous example of wasteful spending in the preceding month. The purpose of the Golden Fleece Award is to dramatize wasteful, extravagant spending and try to discourage it. We feel that this is one way of using a dramatization of a specific wasteful expenditure to do more than simply generalize against waste in Government.

Q. What is actually awarded for the Golden Fleece Award? Is anything sent to the agency? A. No, nothing is sent to the agency.

Q. What does it consist of? [Page 6] A. It consists of an announcement that in the preceding month, in our judgment, my judgment, the action of a particular agency

in spending funds in a certain way was an example of wasteful spending.

Q. Is something inserted in the Congressional Record dealing with the Golden Fleece Award? A. In most cases, yes. I don't know if in every case I have done so, but in most cases.

Q. In addition, is there a news release released? A. That is correct.

Q. What is the purpose of the news release? A. The purpose of the news release really has a clear legislative purpose in several ways. One purpose of it, of course, is to inform not only the public but to inform my colleagues. I have found in 19 years in the Senate that very often a statement on the floor of the Senate or something that appears in the Congressional Record misses the attention of most members of the Senate, and virtually all members of the House, because they don't read the Congressional Record. If they are handed a news release, or something, that is going to call it to their attention, whereas a simple statement on the floor of the Senate will not have the effect of calling it expressly [Page 7] and specifically to the attention of the agencies involved so that they know about this and so that the public knows about it. It seems to me it accomplishes the desirable purpose of discouraging not only wasteful spending in general but this particular kind of activity which I think is wasteful.

Q. Was the speech dealing with Dr. Ronald Hutchinson and the Golden Fleece Award actually read on the floor of the Senate or later inserted in the record? A. I'm not absolutely certain but, to the best of my knowledge, it was delivered on the floor of the Senate, and I say that because there was a difference between the record

transcription and what was actually carried in the release. Additional words were added. There was nothing in the release that was not said on the floor of the Senate but there was an additional phrase, I believe, that I added on the floor that sounded like a typical ad-lib that I might make under the occasion, so that would suggest to me that it was delivered on the floor of the Senate, and in a number of cases I have read these releases into the record.

Q. Senator, did you consider the news release to ridicule Dr. Hutchinson? A. Absolutely not. No, indeed. The purpose of this release [Page 8] was to discourage wasteful spending and in no sense was it meant to ridicule or demean Dr. Hutchinson.

Q. Did you consider the news release in part at least to be written in a humorous style? A. Not primarily. I think that there might have been an element of humor that some would see in it, but I think most people would consider it a serious criticism of an activity that I would regard as wasteful and not justified with sufficient priority, not having the merit of deserving the public funds that were devoted to it.

Q. I was thinking of such sentences as, "The funding of this nonsense make me almost angry enought to scream and kick or even clench my jaw."

Was that intended to be in a humorous vein?

Mr. Raywid: Let's have the witness refer to the particular sentence that you are looking at.

Mr. Cavanaugh: I am looking at page 2, the fourth paragraph from the bottom.

The Witness: The question is was this meant to be a humorous reference? I suppose that particular sentence

might be regarded as the reaction of somebody who was both angry and perhaps thought there was an element of humor involved.

[Page 9] By Mr. Cavanaugh:

Q. Was the humor in the news release inserted to obtain broader news release or broader news coverage?

Mr. Raywid: Are you referring specifically to that phrase? The Senator has already said that he does not regard the entire tone of the news release to be humorous. Now, to what humor are you making reference?

Mr. Cavanaugh: Whatever humor that the Senator may see in it. The last reference we had was to the sentence that I read, but—

The Witness: Well, let me respond in this way: I think that this release is overwhelmingly a serious release. There is an element of humor in it, I think that that may be the case, and I think that the particular phrase to which you refer may be one of the few elements that some people might construe as humorous, although I think it can also be construed as an assertion of outrage and of anger.

By Mr. Cavanaugh:

Q. How was it intended as an assertion of outrage and anger or humor?

Mr. Raywid: What are you referring to?

Mr. Cavanaugh: The particular phrase we are—

[Page 10] The Witness: The phrase, "The funding of this nonsense makes me almost angry enough to scream and kick or even clench my jaw," I think it was intended perhaps in both ways, but let me repeat that this is one short sentence out of a news release that's 20 or 30 times

longer than that, most of the rest of which is, of course, factual and relates to the reason why we thought this was a wasteful project.

By Mr. Cavanaugh:

Q. Why was Dr. Hutchinson named by name in the news release as opposed to being referred to as a researcher or some other general term? A. Simply because we felt it was desirable to be as specific and definite in this release as we could. I had never heard of Dr. Hutchinson before, I had no association with him and had no reason to have any particular feeling about Dr. Hutchinson.

Q. I think you indicated you felt that it was necessary or desirable to name him by name? A. I think whenever you can be specific and not generalize in a release of this kind so that people know what you are talking about, it may be useful. This happened to be the researcher who was involved and I think it was useful to point out that he [Page 11] received funds not from just one agency. This was a little different than some of the Golden Fleeces because in the past, there was simply one agency involved; in this case, there was three, and he had received funding from each of these agencies to engage in this particular kind of research, so that for that reason, it seemed to me that the central figure in this operation was Dr. Hutchinson, and for that reason, it was necessary, in view of the fact we weren't simply directing the Fleece at one agency, to point out that he was the central figure involved.

Q. In news releases dealing with some of the other Golden Fleece Awards, the individual researchers have not been named; is that correct, Senator? A. In some of them, that's correct, yes.

Q. What is the reason for not naming those individual researchers? A. I don't think there is any particular

reason except that in those particular releases, I think in every case or almost every case, that there was only a single agency involved, and the Fleece, as I say, is directed at the agency, it's not directed to the person who receives it. The criticism is directed at the agency, not at the person who receives it.

Q. Senator Proxmire, if I may, I would like to refer to the [Page 12] news release again. The last sentence in the first paragraph on page 1 reads, "From the findings of these studies, it is clear that the Government"— A. I'm sorry. I want to make sure I am following you.

Q. The first paragraph, the last sentence. A. Right.

Q. "From the findings of these studies, it is clear that the Government paid a half a million dollars to find out that anger, stopping smoking, and loud noises produce jaw clenching in people."

Did you consider that a fair summary or portrayal of Dr. Hutchinson's work? A. It's one sentence in a release that, of course, contains a great deal of other material. It is not the lead sentence but it's one sentence in the lead paragraph. I think it is fair to say that this sentence indicates what I construed to be the purpose of the study by Dr. Hutchinson inasmuch as the only reason really to spend a great deal of money studying the reaction of animals was in order to facilitate an understanding of human behavior and, as this sentence says, to find out that anger, stopping smoking, and loud noises produce jaw clenching in people.

Q. Was it your understanding that that was the purpose of [Page 13] Dr. Hutchinson's work, or the result? A. That seemed to be the principal result, yes.

Q. Did you reach that conclusion from your review of documents and facts or was that based upon information or belief given to you by someone else? A. Well, it was primarily reached by the work that had been done by Mr. Schwartz, Morton Schwartz of my staff, supervised by Howard Shuman, and I arrived at that conclusion not simply because two people came to that conclusion, but because I have, I think, reason to rely on the judgment of both of these men and the hard work of both of these men. Mr. Schwartz is a well qualified economist who has done graduate work in economics, who has taught economics, and who has done good work for me. Mr. Shuman, who supervised him, is a man who has several degrees, has taught economics for five years, has served the one outstanding economist who's been in the Senate in the last century, Paul Douglas, former President of the American Economic Association, and his top man for six years, and I felt that these two men with their background and with their competence and with their capability in social science, not in economics, in this field, would be in a position to make this judgment and I relied largely on their judgment.

[Page 14] Q. Do either of these men have any formal training or experience in the field of psychological research or the field that Dr. Hutchinson was working in? A. Neither of these men have had formal training in this particular field, but both of these men have dealt as very intelligent and discriminating laymen with psychology and with the social sciences generally as well as with their specialty in economics, which, as you know, is a social science.

Q. Senator, did you yourself review any of the documents from the various Federal agencies prior to writing this news release? A. I did not. I did not write the news release.

Q. Prior to the news release being written, did you review any of those documents personally? A. No, I did not.

Q. In the third paragraph, Senator, it states, "All this money was given to Dr. Roland R. Hutchinson of Kalamazoo State Hospital in Michigan." A. Let me just say that the one error in this release was the name. In the release, it's "Rolland Hutchinson." It should be—you are correct— "Ronald," but the release says "Rolland."

Q. Were you aware when this news release was released that [Page 15] the funds actually went to various agencies of the state of Michigan? A. I recognize that when grants are provided, they are provided technically to an institution but that, in effect, the control of that money, the direction of the money, the discretion with which that money is allotted and outlaid and spent is within the control of an individual. That individual in this case I was convinced was Dr. Hutchinson, which I understand still to be the case. Of course he would work with an institution, in this case Kalamazoo State Hospital, I guess, in other cases involving this $500,000 with one or two other institutions, but he was, as I say, the central figure, he was the one who controlled the funds, who scheduled the experiments who had the discretion to know how the funds would be used.

* * *

[Page 17] Can you tell me what was meant by the phrase, "The good doctor has made a fortune from his monkeys"? A. Well, Dr. Hutchinson in engaging in this project had, as we have pointed out in the release, some $500,000 under his direction and control. Out of that, he was paid a salary of some $30,000 and it was clear to me that any person who would be able to command that kind of authority and prestige and influence would be in a position to do very well, certainly as compared with most Americans whose incomes would be far lower than that and whose opportunity to influence the expenditure of funds would be far less. So I thought that statement, "He has made a fortune from his monkeys" was a reasonable conclusion.

Q. Senator, based upon the salary and the power of say a middle level Government official or a Congressman, would you similarly say that they have made a fortune? A. I think certainly that any reasonably prudent person—of course, as you know, Dr. Hutchinson is a relatively young man, I am 60 years old, he is substantially younger than that—any person making that kind of money at that age who is prudent and careful, he would certainly be able to make a fortune.

* * *

[Page 21] The Witness: Well, I repeat what I said, that I think it's a reasonable conclusion, a reasonable inference from all of the facts that I indicated, that he's making about $30,000 a year, that he has command over half a million dollars to spend as he wishes at his discretion, in his own way, under his own control.

By Mr. Cavanaugh:

Q. Did you mean to imply any sort of wrongdoing or misappropriation of funds by that statement? A. No.

Q. Were you aware that the agencies that funded his work had control, at least the right of approval, over expenditures that he made? A. Yes.

* * *

[Page 26] Q. Before the news release was issued, did you review any of the evaluations of Dr. Hutchinson's

work prepared by officials at NSF, NIDA, or the Office of Naval Research? A. No.

Q. Did anyone report to you what those evaluations were, if any? A. Mr. Schwartz reported to me on the basis of his review of Mr. Hutchinson's work, the time he had spent on it, the value of it, and indicated his judgment, which I consider to be a reasonably good judgment, based on the time he spent and the people he discussed this work with.

Q. Did Mr. Schwartz or anyone else on your staff report to you whether or not the evaluations prepared by the officials at NSF, NIDA, NASA, or the Office of Naval Research referred to Dr. Hutchinson's work as good or excellent or solid or useful or important? A. No, they did not. Frankly, my function as a legislator [Page 27] is to be critical of these agencies and not to accept their evaluation. If they had said that a particular person were incompetent, obviously they wouldn't fund their research. The assumption, if they are going to provide funding, is that they are going to give them a high rating; otherwise they look bad, and there is no way they can justify what they have done. So I would have to refuse to accept their judgment and rely on the independent inquiry of the competent people on my staff who are investigating this rather than the judgment of people who are in a position to where they pretty much have to be able to defend their expenditure of hundreds of thousands of dollars of the public money.

Q. Did you even ask Mr. Schwartz what the evaluations were by the officials at NSF, NIDA, ONR or NASA? A. No, I didn't, and, as I say, I think it would have been not worthwhile information as far as I was concerned because I would be astonished if they had indicated that the person they were awarding this much money to was

regarded as anything but highly competent. I'm sure they would have said that and I think I would have been remiss on my part to accept that judgment if that had been the case, so I think whatever their judgment was, I had to go beyond it and I did.

* * *

[Page 32] Q. What happened to the news release after it was a final draft in your office? A. Well, we have a procedure on news releases in which they are sent out so that they will be available to the press at approximately the time that the statement is made on the [Page 33] floor of the Senate, or that it's put in the record, and on that basis, I would assume this is handled like others and I'm sure that was the case. But after the release was finished, it was then typed up and it was sent down to the Senate in the basement of this building, the first floor, where the news releases from various Senators are handled in a particular way, according to Senate rules.

Q. Do you know when the news release left your office to go to the Senate—is it the Senate Service Department? A. That sounds like it. It could be.

Q. Do you know when the news release left your office to go to the Senate Service Department? A. I don't know because, of course, I can't remember what happened 18 months ago or more, but my guess is that it probably would have gone about Tuesday or Wednesday of that week, in other words, on the 15th or 16th of April, if it were going to be available—possibly a day earlier—if it were going to be available by 6:30 a.m. on April 18. You have to have a lag of two or three days before a release comes out in order for it to be distributed and available to the papers so they can use it at the time, and the other media.

* * *

[Page 37] Q. Why do you send your Fleece announcements to the general distribution list rather than the Wisconsin distribution list? A. Well, because this is a matter, as I say, of the purpose, the purpose of informing my colleagues in the Senate. Anything I send to Wisconsin, Senator Nelson and the Wisconsin delegation may know about it, but other congressmen and Senators don't. If I send this to the general distribution list, it may appear in the Washington Post, in the New York Times, as some of these releases on the Fleece have done; it may appear on television, as often happens, and then they see it and they get an understanding of the problem they otherwise wouldn't get.

Q. After this news— A. And the agency here sees it. If I just send it out to Wisconsin, these three agencies wouldn't realize the public awareness of this particular carelessness on their part.

Q. What do you hope that the news releases will accomplish? A. Exactly what I have just said. The awareness on the part of the agencies that there is a public protest, a publicly announced outrage at their expenditures, it seems to me likely to have a salutary effect. Also, I think on the affect of other members of Congress it's desirable in the way we are going to [Page 38] handle the budgets of these agencies when they come before us, the kind of inquiry we make because they will be aware that there are particular instances and they can cite them far more effectively than you can say, "Well, you have been wasting money," "Where? Where?" "How do you cut down their spending?" Half a million dollars isn't peanuts, it's a lot of money, and they should be able to justify and explain that. I think as my colleagues and the public becomes aware of it, there is a much greater sensitivity on the part of these agencies to do wasteful spending and a greater care and concern and likelihood that they are going to be concerned about priorities.

Q. Is it your hope that the news releases will result in a change in the funding pattern of the agencies? A. I am not sure what you mean by "funding patterns of the agencies." It seems to me that it is designed to make sure that they are more sensitive. There is going to be a public concern and a congressional concern about how they spend their money and they better be able to justify it. If they can't justify it, then they should spend their money in areas that are justifiable.

Q. Was it your hope in issuing the Hutchinson news release that it would result in the agencies cutting off funding? [Page 39] A. Well, it was my hope that the funding for this particular project would be eliminated or reduced. I didn't have any particular concern when this release was issued with Mr. Hutchinson himself. If he had other projects that could be justified, then of course there is no reason why they shouldn't be funded, but I think this particular study it seemed to me was a waste of money.

* * *

[Page 64] Q. Have you ever had contact with any employee or agent of the Internal Revenue Service regarding Dr. Hutchinson or his work? A. I don't recall any.

Q. Do you have any records that would disclose any contact with the FBI or the IRS if there was such a contact? A. Yes. It's possible, as I say, that Mr. Schwartz had made inquiry, he, after all, had done a lot of good work on this and found basis for further investigation. It's possible that he on my behalf had made this investigation, but I didn't make it personally.

Q. Did you personally have contact with any agency of the state of Michigan regarding Dr. Hutchinson or his work? A. Not personally, no.

Q. Do you know of any person on your staff, other than perhaps Mr. Shuman and Mr. Schwartz, who had contact with any agency of the state of Michigan? A. No. I would be surprised if any other member of my staff had done that. As I said, Mr. Tammen wrote the release [Page 65] to which you referred earlier, the one you just showed me. Anyway, that's the only activity by other members of the staff with respect to this case.

Mr. Cavanaugh: Senator, thank you very much for your time.

The Witness: Thank you.

Mr. Raywid: I have some questions.

Examination by Counsel for Defendants

By Mr. Raywid:

Q. First of all, Senator, the questions addressed to you have repeatedly referred to a press release. Is the press release and the draft of the press release any different from the speech which is delivered on the floor? I mean, is it the same— A. It's the same press release with the exception of some phrases that were deleted from the speech when it was given on the floor, such as, "Senator William Proxmire announced on Friday. . ." Of course, that would be deleted, I wouldn't say that. I would start with the part that's in quotes and the press release is a faithful and accurate reflection of what I said, if you delete the part that is not in quotations, but virtually the whole press release is in quotations and I think there was [Page 66] one short phrase added somewhere in

the press release with respect to my reaction that this is outrageous or something of that kind that I ad-libbed in. Except for that, it's a faithful and accurate reflection of what was said on the floor.

Q. You said there was an added remark in the press release. Did you mean— A. I meant to say there was an added remark on the floor of the Senate that appears in the Congressional Record that is not in the press release, that's correct.

Q. In the normal preparation of documents for both the press release and speech, is there only one document prepared for your use? In other words, would there be a different document labeled "Speech" and a different document labeled "Press Release"? A. Very often there is. Very often I will give a speech of 15 minutes or maybe longer and it will be summarized in a release that will be considerably shorter than that, maybe a release that would take a minute and a half or two minutes to read. In this particular case, however, that was not true. In this case, it was almost a word for word reflection of everything that was said, the only exception, as I said, being the deletion of identifying words in the press release as "Senator William Proxmire announced on Friday. . ." and "The Wisconsin [Page 67] Senator said . . ." and then the addition of four words on the floor of the Senate that don't appear in the press release.

Q. Are you familiar with the term "oversight function"? A. I'm very familiar with it and I think oversight, of course, is an extremely important responsibility for the Congress. It's been a neglected responsibility in my view, but it's one that we are constantly urged to engage in and we do. Oversight function refers to, of course, seeing that the money that is appropriated is well spent and that the laws that we actually pass are actually

enforced, and we often have hearings to determine whether this is the case. We follow up with letters, we follow up with specific criticisms, and I think that the Fleece in this case is a good example of oversight function and responsibility for the Congress and for the Senate.

In this case, I was concerned with the expenditure of these agencies that under the jurisdiction of the subcommittee of which I am the chairman, I wanted to follow up on by seeing that the money was spent in an economical and prudent way.

Q. Do these expenditures mentioned in that press release fall within your particular purview of responsibilities? A. They fall more clearly in my responsibility than any one of the other 99 members of the Senate. * * *

* * *

By Mr. Cavanaugh:

[Page 70] Q. You were asked as to whether you actually delivered this particular speech on April 18, 1975 or merely inserted it in the record. You have given us your view that you believe that you read it, although you have no specific recollection, and you have given the reasons for that. If it were inserted in the record, would that require your presence in attendance at the Senate? A. It would indeed. There is a rule now in the Senate that has been in effect for three or four years that the only way that anything gets included in the Congressional Record is either it is spoken on the floor by the Senator involved or it is handed by him personally at the desk and he has to be recognized by the clerks at the desk who, of course, know all the Senators and will not accept this from an assistant staff member or anyone else on behalf of the Senator. It has to be the Senator himself

who offers it, so that there isn't any question in this case that in the event I didn't deliver it as a speech on the floor, and I think there is every reason to expect that I did, but I would have given it personally directly to the clerk at the desk to be printed in the record.

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EXCERPTS FROM DEPOSITION OF RONALD R. HUTCHINSON, SEPTEMBER 21 AND 22, 1976, U.S. DISTRICT COURT FOR THE WESTERN DISTRICT OF WISCONSIN

* * *

[Page 42] Q. Now, what was the occasion of your terminating your employment with the State? A. What was the occasion?

Q. Yes, why did you terminate your employment with the State? A. The research department function was terminated by the State Hospital.

Q. For what reasons, if you know? A. We were told that it was for administrative efficiency.

Q. When were you given that notice? A. Each of the employees was notified eight days before.

Q. Eight days before June 30th, 1975? A. Approximately eight days.

Q. Had you been given any prior notice? A. I had received several memoranda from the Superintendent at an earlier point in time, saying that it was his intention to terminate the research department.

Q. Was that the decision of the Superintendent? A. To the best of my knowledge.

Q. What is the earliest notice that you received? A. No other substantive notice ever occurred.

Q. Well, did you have any understanding prior to that time that there was supposed to be some fixed point of termination? A. I told you about the memoranda that I received from the [Page 43] Superintendent which occurred at an earlier point of time, stating his intention to terminate. I or other employees were never contacted by the Personnel Department or the other appropriate body of the institution.

Q. What was the earliest notice on your part, or at least the possibility existed that you were going to terminate on mid-1975? A. The memorandum from the Superintendent in December of 1974.

Q. What was the reason announced, or what was that notice? A. That was a notice of his intention to terminate the research department.

Q. What was the announced reason at that time? A. I'm confused. I thought that was the same question you asked a minute ago.

Q. You announced as early as December of 1974 that he was going to close the research department, is that correct? A. That's correct.

Q. Now, was there any reason given at that time? A. Well, I'd have to check the memorandum again, but I believe—I believe that the administrative efficiency or the reduction of funds, budgetary considerations, was listed. No, that's not my belief. I don't believe there was a reason given in that memorandum. * * *

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[Page 210] Q. Did you have any objection to the AP story which carried your comments?

Mr. Cavanaugh: Do you know which article is being referred to now?

The Witness: I would like to see the AP version.

Q. (Mr. Raywid) Here's one from the Battle Creek, Michigan, Inquirer News, and it states, it has an AP line. If I am not mistaken, the particular captions are written by the newspapers and they are free to cut from the AP, but that may or may not be an accurate summarization, but I ask you to refer to that particular article and see if that is one which causes you any particular offense. A. You want to know about my feelings with regard to their coverage of my statements or—

Q. No, the entire statement. A. Oh, this entire article. The entire article, am I offended by it? On, yes, several ways. Taking the first paragraph, Senator William Proxmire says that he has awarded his Golden Fleece of the Month prize to a research project at the Kalamazoo State Hospital in Michigan to study jaw-clenching. Well, this is the kind of translation which was bound to happen, given the nature [Page 211] of the press release which the Senator issued. In fact, the Senator was slightly more conscious than that, he gave his Fleece Award to the agencies, but here we have already a transgression over towards my project and me, so that the—so that it's a personal ad hominen address, at least implied by this article.

Now, let's see the second paragraph, that seems to be fairly straight copy from the article.

Now, see, paragraph three is very interesting because I don't recall that in the Senator's press release there was any mention of wasps and boa constrictors. Where would they have gotten— Where would they have gotten the description of wasps and boa constrictors and stuff?

Q. Do you take any objection to that? A. Apparently off the record he has stated—made further statements.

Q. Well, I am not asking you to speculate how this got in there, what I am asking you: Does that cause you— A. It's inaccurate. I did not begin my work by studying wasps.

Q. Do you say it causes you any offense? A. Yes, it's inaccurate. It's offensive because it's inaccurate. I did not work my way through boa constrictors, rats and monkeys.

[Page 212] Q. Did you conduct jaw-clenching experiments with all of those animals? A. In fact, that's true. Another thing that's—oh, wait before we leave that. Is it correct that I conducted jaw-clenching experiments with all those animals? That's incorrect.

Q. Which of those animals did you not conduct any experiments with? A. You see, there's no jaw-clenching mentioned here. You are inferring jaw-clenching mentioned. He said Hutchinson began by studying wasps, worked his way through boa constrictors, rats and monkeys, and finally, human beings. There is no description of the responses being studied there, so that can't be what offends me. What I was going to tell you, what offends me, another thing that offends me about this paragraph is that he gives me credit apparently for the principal direction with one species which I was not principally responsible for studying. He fails to credit a colleague of mine, Dr. Nathan Aswrin (sp) who was the principal director of the study of boa constrictors.

Q. Is that the part that gives you offense? A. That's an additional offense. I talked about two, now.

Q. Would that cause you any damage or injury? A. Absolutely.

[Page 213] Q. In what respect? A. To the extent that anyone can think, particularly Dr. Aswrin, that I may have made any input to this entire press coverage which unfairly characterizes his role in this study. It's a very serious error.

Q. Now, were all of the— Did you participate in experiments with all of those animals mentioned? A. That's correct.

Q. And is the sequence out of order? A. The sequence, as I said, is out of order.

Q. What would be the proper sequence? A. The proper sequence might be, alluding again to the fact that boa constrictors were principally investigated by Dr. Aswrin—

Q. You participated in boa constrictors? A. That's correct. Boa constrictors, wasps, monkeys, rats, humans, might be a more proper description of sequence.

Q. Would you have any objection if that—if that sequence had been mentioned, and then giving appropriate credit to Dr. Aswrin? A. Yes. First—of those things that I mentioned in this paragraph, by far the most offensive element is the failure to identify the principal investigator. The sequence is a small error but it's offensive to me.

Q. But if the sequence were correct and Dr. Aswrin were [Page 214] mentioned, you would have no problem with it? A. That— That would be a helpful adjustment, yes.

Q. All right. Anything else in that article? A. Let me ask, maybe it's inappropriate, but it didn't come from the press release. Where did this statement come?

Q. Well, it is inappropriate. Would you go on? A. Proxmire said that some of his conclusions were that when monkeys get mad, they clench their jaws and that drunken monkeys don't react as fast as sober monkeys. Well, that's really a travesty of truth.

Q. And what would be a correct statement of that? A. Well, let's take some of the elements of it. First of all, the Senator here is not quoted but described to have stated, which he, in fact, did in his press release, that monkeys clench their jaws when they get mad. Now, that is inaccurate in the following way: We have not studied jaw-clenching in monkeys, so that it's an inaccurate reportage of what was investigated with regard to monkeys. We certainly have not investigated monkeys getting mad in the sense that we don't measure madness. There is nothing— There is no measurement for madness that I feel confident to perform, and I certainly would not speak to my colleagues or to my children or neighbors in that fashion, okay?

Q. I don't understand what you mean. Are you objecting to [Page 215] the use of the word "mad"? A. That's one of my objections. The Senator states that I concluded, let's see, Proxmire says that some of his conclusions—that I made conclusions that monkeys, when monkeys get mad they clench their jaws. Now, I told you first of all that technically I did not measure jaw-clenching in monkeys, so I clearly couldn't have made that conclusion. The second thing I am telling you is that it's not an insignificant point that we did not measure madness. We did not measure monkeys getting mad.

Q. Well, are you objecting to the use of the word "mad" rather than aggression? A. You are on the right idea, but let me turn you around slightly. I measure objective events, I do not measure unmeasurables.

Q. Well, your studies— A. Mad is an inferred internal state, a psychic event, a wisp of wind, okay?

Q. Can you understand that a layman might use "mad" and "aggression" synonomously? A. I can understand that laymen do that all the time, but when you are going to describe accurately what my conclusions are and then infer in any way that I make conclusions which use such colloquialisms and such unscientific terms, I consider that grossly in error.

[Page 216] Q. All right. A. And a disservice.

Q. So you are offended by the use of colloquialisms in the description of your work, and do I understand that—have you conducted any experiments using monkeys, squirrel monkeys and measuring aggression through the jaw-clenching by squirrel monkeys? A. We measure— We measure biting on a hose. We measure— We measure the—ah, closure of the mandible on the hose.

Q. So what is the inaccuracy in the statement? A. Well, I told you that the statement here is made of jaw-clenching. Now, you see, jaw-clenching is a term that I have used to refer to the behavior, the processes that I have measured with humans.

Q. Well, if you would make the correction that with monkeys you are not talking about jaw-clenching but you are talking about biting, is that what would—is that it? A. That's correct, that would be a helpful alteration.

Q. All right. A. We already talked about the "mad" and inferring that I made conclusions using such terms. They're inaccurate.

Q. Yes, you already mentioned that, so let's not repeat. A. Now, then later in that—later in that paragraph, that drunken monkeys don't react as fast as sober monkeys. [Page 217] Now, sir, I don't know where anyone, including the Senator, could ever have drawn a conclusion on that on the basis of any of our work. We have studied alcohol. Let's eliminate the term "drunken". Let's not focus on that. What I am saying to you is that I have not reported a substantive finding to any agency that animals' slowing down their behavior results from alcohol. I am telling you categorically that I have never in any way implied or inferred that relationship between alcohol, the influence of alcohol and performance, okay? What I am saying is that that is a fabrication.

* * *

[Page 240] Q. What about your conversation with Mr. Krasnegor? A. I was told by Dr. Krasnegor that Mr. Schwartz had called him and—

Q. Now, when was your conversation with Mr. Krasnegor? A. In the late fall of 1975.

Q. And what was the conversation that he was reporting to you, when was that have supposed to have occurred? A. I inferred that it was only several days prior to the conversation between Dr. Krasnegor and myself.

Q. And what was relayed to you by Mr. Krasnegor? A. That a Mr. Schwartz from Senator Proxmire's office had contacted him, that stated that we had been involved in a major scandal in Michigan, asking Dr. Krasnegor whether he was aware of this fact, ah, and that he stated, you know, we didn't give you guys the Golden Fleece.

Q. Anything else? A. Well, there were other comments by Dr. Krasnegor regarding the conversation, but none reporting communication from Mr. Schwartz.

Q. Now, was that what Mr. Krasnegor relayed to you as [Page 241] Mr. Schwartz' words, "a major scandal in Michigan", or is that your characterization? A. To the best of my knowledge to remember, those were the words which Dr. Krasnegor used as an accurate reportage of the words of Mr. Schwartz.

Q. Did Mr. Schwartz report to him what he was referring to? A. Dr. Krasnegor told me that he simply listened and said something like, oh, really, what happened? And yes, I am remembering a little more of the conversation now; and Mr. Schwartz said, well, he was, ah, accused of misuse of public funds and equipment; and Dr. Krasnegor related to me that he said, oh, really, well, what's happened on it; and Dr. Krasnegor related to me that Mr. Schwartz said, well, gee, I don't know, it's funny, I haven't heard anything that's happened, I can't understand it.

Q. Anything else? A. I believe but I am not absolutely certain of this, that Dr. Krasnegor told me that he told Mr. Schwartz that he would look into it.

Q. Anything else? A. About what?

Q. Anything else that Mr. Krasnegor related to you that Mr. Schwartz had told him in his telephone conversation in late fall, 1975. [Page 242] A. Well, he—he told me that, first, this was an in-person contact between Dr. Krasnegor and myself. He told me—

Q. What do you mean by "an in-person contact"? A. He told me this at a National Conference of Cocaine Abuse, which occurred at Duke University, at which he was one of the organizers, of which I was a participant.

Q. And his conversation with Mr Schwartz was only several days before? A. Let's say no longer than a

month is my impression, but I only gave you an impression before. I just . . .

Q. Well, several days to a month, is that right? A. That's my impression, that it was a recent conversation.

Q. What else did he relay? A. Miss Emley, who was on the program also, came up, this was during—this entire thing took place during an intermission in the program, came up and the three of us were standing there, and Mr. Schwartz—excuse me, Dr. Krasnegor, in response to some comments by me, Dr. Krasnegor tells me that Schwartz called him, something to that effect, I kind of introduced the conversation when she walked up and Dr. Krasnegor reported and said, yea, he called and said we didn't give you guys the Golden Fleece.

Q. He repeated the statement, in other words, that he had [Page 243] already told you about? A. Correct.

Q. Anything else? A. Regarding a report of Mr. Schwartz' behavior

Q Yeah, that's all I am interested in. A. No.

Q. Now, what did you say to Dr. Krasnegor with respect to this telephone conversation or the issues raised in it? A. I expressed really grave concern. I said something like, My God, that guy is never going to get off my ass, something to that effect. I thought that this was all done and gone with. In other words, it was the first spectre of a continuing effort or intervention or making waves, producing concern with the agencies in almost four, five months.

Q. Did you explain anything with respect to the matters raised there? A. Well, Dr. Krasnegor was already aware of the audit. Dr. Krasnegor, at an earlier point in time, obtained a copy of the audit, at a slightly earlier

point in time. It was related to me by Dr. Krasnegor that the agency had decided that it was important to give their legal staff this audit document to look at, and that our contract, ah, extension would be delayed during this period.

* * *

[Page 389] A. (Mr. Raywid) You had contacts with Morton Schwartz on two occasions, did you not? A. More than two occasions.

Q. All right, could you describe how many occasions? A. I can be quite certain of three, and my memory tells me that there may have been four.

Q. What was the first one? A. The first one was a call placed to me by Mr. Schwartz prior to the release of the Golden Fleece Award to which I made reference yesterday, wherein he described the fact that I was under investigation by Senator Proxmire, I and my research and that—

Q. First of all, can you establish it by date, when you say prior to the Fleece, so we know that is prior to April 18? A. Yes, and yesterday I mentioned the Monday or Tuesday prior to the Thursday, Friday release, et cetera, and as I said, he told me that the Senator was investigating me and my research sponsored by the Federal agencies and was I aware of the fact that he had a Golden Fleece program, and I informed him that several agencies had already called me, asking me for information and informing me of his contacts [Page 390] with the agencies. He told me that as a courtesy to me, the Senator wished that I have a copy of the release beforehand. I told him that I thought that was nice of him, and there was then a questioning by Mr. Schwartz about who I was funded by, and he said we have these

agencies, and he listed some agencies. He said are you funded by those agencies, and I said yes, and that was the end of the communication on that call. It's fair to say that he also stated that either he would call me back or if I had questions subsequent to the receipt of the release, that I should call him. I don't remember which way it was left.

Q. Did he say he was going to send you a copy? A. Yes.

Q. Did he obtain from you your address? A. Yes. Maybe, I can't be sure of that because he may have already had it. It's reasonable that he may have, I don't remember.

Q. Did you state anything to him? A. Not that I recall, other than what I've described.

Q. Did he mention how many agencies, three or four? A. I believe three.

Q. Did you identify a fourth? A. No, I did not.

Q. Did you provide him with any other information except [Page 391] confirmation that the three agencies—A. I was not asked for any other information. I confirmed what he asked me.

Q. Did you make any notation of the telephone call? A. Regarding his name and his phone number, yes.

Q. Any other notation? A. No.

Q. Did you transcribe or record? A. The date that he told me the release was being prepared for.

Q. And what did he advise you? A. I can't be very clear on that because I also have in my memory the recollection of some surprise when I saw the date of the release because it seemed earlier to me than had, by my impression, on the basis of the call to Mr. Schwartz.

Q. Do you recall anything else? A. Regarding that phone call, no.

Q. What was your next call? A. On Thursday morning, as I told you earlier, I received the release, read it, sat down and constructed the statement which eventually was released by, out of my laboratory, and my recollection is that I called Mr. Schwartz at that time. He may have called me, I can't be sure. My impression is that I called him. [Page 392] Q. Do you know what time of day that was? A. It would have been in the—my recollection is that it would have been in the late morning or early afternoon, probably late morning.

Q. What was said? A. I told him that I received the release, that I had already been called by several newspapers, that I didn't understand because the date of the release was for the following morning and how did this happen. He told me that, well, these things go through channels and they are careful not to release until a certain time. I can't imagine how these agencies had already found out. He said, well, do you have any comment or criticism of the release? I said, well, the entire release is a travesty or mocking of the truth. It's a total distortion, as I remember I put it. Well, for example, he said, what—I said, well, first, you don't even have my name right. He went through a profuse apology with regard to my name being inaccurate and stated that he would immediately contact the wire services and attempt to correct my name. He said, well, what else about it? I told him, from beginning to end it was a falsehood and a highly critical document, that I was unhappy. There was some dialogue about my questioning him with regard to why the Senator engaged in these practices, that it was highly detrimental, [Page 393] not only to individuals singled out for attack, but to agencies. What credentials—

These are all paraphrases of statements I made to him—what credentials did the Senator have which afforded him the opportunity to speak with authority or with knowledge on the subject.

Mr. Schwartz told me that, well, the Senator thought it was important, the issue of waste in government and whatever it took to bring this to the fullest consciousness or more immediate attention of the agencies which, he said, the Senator felt were extremely wasteful of funds in these very tight economic times; with regard to the expertise of the Senator, he was an extremely well-informed and well-read man, took great interest in the material that his staffers developed, he was an economist by training. I asked him why then, if the Senator had read all of the documents, he didn't give me a direct answer on that. He stated, well, he certainly looked at the overviews prepared by the staff. I said, how is the staff prepared to read with accuracy and qualification my work, and he stated that, of course, they had someone trained in the area on the staff. I asked him specifically what was his training. I believe he told me either in sociology or social work. I said, well, who is this person that is an expert upon which you rely? He mentioned another gentleman, I don't know his [Page 394] name. I would be speculating to say it was Mr. Schuman. He told me this person has done graduate study in psychology. I said, what do you mean? He said, he's either working on a Master's or has a Master's Degree in Psychology. I said, in what area; I don't remember what he told me. My recollection is that it was not in experimental psychology but in another area of psychology. I asked him again whether the Senator didn't think that this was a highly damaging thing and that criticism from anyone other than expert in the field would, from a person with

his position and power, could do very considerable damage. He told me that the Senator, in general, had very negative feelings about academicians. That these had developed since his—what the Senator viewed to be very counterproductive interactions with economists during hearings. The impression was conveyed that the Senator had brought forth academic economists to testify before him or had been present while testifying, and he had found them giving predictions on economy on every side of the issue, and that since that time, the Senator displayed very considerable disgust and annoyance with the wooly-headed ivory-tower social scientists, even though Mr. Schwartz pointed out he was a social scientist by training himself.

I asked if the Senator was also focusing [Page 395] and looking closely at research, other than in the social science area. He told me, well, he certainly wanted to. They certainly wanted to, not to single out social science, though the Senator did seem to have a considerable bias with regard to social scientists, considered them to be soft, really not scientists, perhaps pre-scientists or artists; but their training on the staff at the present time didn't allow them to speak with authority or look meaningful at the harder sciences, that they were within the constraints, the budgets within the Senator's office, hoping to be able to hire scientific competents in the hard sciences. I remember that was the general discussion which took place at that time in that conversation.

* * *

[Page 411] Q. After your formal response from the Navy, was there any other contact or question with respect to your patent? A. I've heard nothing.

Q. Have you ever had any occasion to visit Madison, Wisconsin? A. No, I've never been to Madison, Wisconsin.

Q. Do you have any business interests there? A. No.

Q. Do you have any connection at all with Madison, Wisconsin, to your knowledge? A. I have a lawsuit.

Q. Other than the lawsuit? A. No.

Q. Now, you stated in response to one of the questions that you thought that the press release itself indicated malice, is that correct? A. That's correct.

Q. Would you care to indicate, would you refer to it and would you indicate in what way you believe it to be malicious? A. Well, let's say he's speaking of me in this release as an unsavory character, as one which men in general are [Page 412] offended by, by implication he's calling me a fleecer. He's calling me someone who fleeces. The fact that this is a reasonable interpretation is borne out by any number of newspaper articles. To digress for a minute, you see by choosing the term fleece to entitle his program of benefication, he's using a term which confuses two separate usages. That usage where someone puts on a fleece and sneaks into the herd so that he can capture young animals or pulls the fleece over someone's eyes so that they cannot observe what is going on as opposed to the mythology of Jason and the Fleece. To the extent that there is any implication in here that I, in fact, fleeced agencies rather than brought them a fleece or even brought them a fleece or tried to bring them a fleece, promised that I would bring something that I had only heard about and could not possibly actually produce. Then, he's talking about me as one who fleeces as a crook. That's pretty offensive thing to be called, but more important than that, it indicates gross derogation and condemnation because of behaviors that people universally condemn. He refers to me as the good

doctor. Such a term is frequently, perhaps most frequently, used to refer with distance and disdain, that is it's a transliteration with words to a different meaning. He's stated that I have perhaps engaged in duplicity.

[Page 413] Q. Where is it stated what you are referring to specifically? A. He's talking about funding which is perhaps duplicative. When one engages in a duplicate production, a clear implication is that he has attempted to defraud. He engages in duplicity. He presents something as something else so that his statement is clearly again casting me in a group of people who are engaged in unethical, illegal behavior.

With regard to malice, he states, the funding of this nonsense makes me almost angry enough to kick, scream and kick or even clench my jaw. He's indicating anger, some level of anger. Angry enough to engage in violent outburst, in fact that which he engaged in. He's indicating passion, negative passion, passion which, in colloquial communication, is the predecessor or emotion to attack and aggression and violence toward other people, violence which he is producing towards myself. Now, at another level of my belief that the Senator was demonstrating malice as shown right within this release, he consistently and recurrently describes, purports to describe my work in ways which are not simply inaccurate, but which, in several cases, bear no relationship whatever to truth as a layman would understand it after a careful reading, or as an expert would understand it. When somebody continually asserts [Page 414] reality in a way which bears no relationship to reality and connects that with critical, mocking discourse with regard to the person that he's describing, it's obvious that his intentions are to do great damage to the individual that he couples with that consistent gross distortion of the truth. We call it rumor-

mongering sometimes. We call it bad-mouthing, we call it telling lies about people to the extent that it departs from the truth, that it is a stamp having to do with someone or the world of someone. It is intended to create a negative impression in other people's minds about that person. It is called an ad hominen attack, personalized, vindictive, direct distortion of that person or something about him. The effect that he was not simply concerned, as purported by some statements of his, to be interested in taxpayers, in tax money waste, is indicated because he didn't restrict his discourse in this release to my activities with the Federal Government and the obligation I had and the interests in the agencies. With regard to me, he collects and announces to people private things about me, my association with a not for profit organization. He, therefore, collectively lumps my personal relationships that are of no business, of no relevance to his concern for the waste of tax money. An implication can be drawn from that very same content that [Page 415] he's attempting to suggest that my establishment of or relationship with this organization is, in some way, to create a funnel or an unseemly or unethical, unlegal, improper method of drawing funds to me. It would rely upon the general discourse in the newspaper and such about tax exempt organizations and whether they are dodges for the accumulation of wealth and would be a reasonable suspicion for the reader of this document. So again, he's demonstrated malice to me. Because he has failed to give proper credit for some of the research he describes here to other investigators, he places me in a position of embarrassment and hurt. He places me in a position where I may be attacking—attacked by other people.

Q. What work are you referring to and what individuals? A. Several of the studies assumed under the description, the very inaccurate description, of what variables

were investigated and what species were investigated, do not give colleagues for their participation either as junior investigators and, in some cases, as senior.

Q. Can you be more specific, what are you talking about, what phrase and who is omitted? A. Well, I would have to cite all of the publications which you now have or will shortly have a copy of. This is an extremely brief description.

* * *

[Page 419] Q. How long do you think it would take? A. Perhaps an hour.

Q. Perhaps that would be appropriate for a written response if we do wish to pursue it.

Anything else? A. Additionally?

Q. Excuse me, if it would take you an hour to state it verbally, do you think that mentioning all of this work and giving it proper factual statement would perhaps take an hour to read? A. Or more.

Q. So it's not capable to summarize your work and give appropriate credit to everybody in two pages? A. That's exactly right.

Q. How many pages would you estimate it would take? A. Whatever it would take.

Q. How many pages would you estimate it would take? A. I've never attempted to do such a thing.

Q. You haven't attempted to describe your work? A. Accurately and with full documentation, no, I have not. I've never attempted to do that.

Q. You couldn't describe your work in a couple of lines? A. If I chose to.

Q. All right, and would you—but in order to summarize this work and only to give credit, it would take at least an [Page 420] hour for you to narrate, is that correct? A. If I was very careful and thoroughly prepared beforehand and I wished to do that, I believe I could make a statement of my work and all of the proper credits to people and organizations and its merits within an hour.

Q. Anything short of that? A. It would be very, very difficult. Are we still talking about malice?

Mr. Cavanaugh: Doctor, in replying to him, please keep in mind the hour and how long we've been here and keep it reasonably brief.

The Witness: I tried to say before that recurrently the Senator chose to describe me directly or imply about me that I was either acting illegally or unethically or with subterfuge or duplicity. He continues that line of personal criticism when he says . . . If Dr. Hutchinson is successful in this new grantsmanship attempt, he receives an additional $150,000 of taxpayers' money.

When one uses the term grantsmanship, it's often in a condemnatory and ridiculing way. It refers to the partisanship of extracting money independent of other things. It's like talking about the guy who sells at the carnival, everything is in the motions. The substance counts for nothing. * * *

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AFFIDAVIT OF ROBERT BARON, NOVEMBER 8, 1976, PLAINTIFF'S TRIAL EXHIBIT 6, U.S. D.C., WEST. DIST. OF WISC.

STATE OF INDIANA

SS.

COUNTY OF TIPPECANOE

ROBERT A. BARON, being first duly sworn, states:

1. I am a professor in the Department of Psychological Sciences of Purdue University, West Lafayette, Indiana. I obtained a Bachelor of Science Degree from Brooklyn College in 1964, and a Master's Degree from the University of Iowa in 1967. I received a Ph.D. Degree from the University of Iowa in 1968. For the past eight years, I have been engaged in teaching and research at the University level. I have published approximately fifty articles and four books on psychology and various aspects of psychological research. I am a member of the American Psychological Association, the Midwestern Psychological Association, and the Society of Experimental Social Psychology. In 1974 I received an award for Teaching Excellence from Purdue University for my activities in the Department of Psychological Sciences.

2. In 1972, I applied for and received a research grant from the National Science Foundation to study aggression and the effects of heat upon such behavior. My research proposal which led to the NSF grant was submitted to NSF's normal grant application review procedures, including evaluation by the NSF staff and evaluation by a committee of peer scientists. My research proposal was accepted by NSF, assigned a priority for funding, and eventually was funded. NSF provided approximately $46,100 to Purdue University over the course of the two-and-one-half year study.

3. On or about March 16, 1976, Senator William Proxmire issued a news release criticizing my research and NSF's funding of it. A copy of that news release is attached to this Affidavit as Attachment 1.

4. The news release states that the Golden Fleece of the Month Award was given to the National Science Foundation for "spending $46,100 to study the effect of scantily clad women on the behavior of Chicago's male drivers." Most of the rest of the news release was devoted to a discussion of the alleged study of the effect of scantily clad women on male drivers.

The statement in the news release that $46,100 was spent to study the effect of scantily clad women on the behavior of Chicago's male drivers is false. The $46,100 was expended to support the entire two-and-one-half-year research project. The bulk of that grant was used for laboratory studies to determine how excessive heat affects behavior, particularly a person's tendency to commit acts of aggression. The concept of the research project sprang from the riots during the 1960's and 1970's. Heat was considered to be an important factor in initiating that violence, but no scientific study had been made of the effect of heat on such violence. Our research investigated the "long, hot summer effect" frequently blamed for urban disturbances.

5. The part of our research that involved motorists in traffic jams represented only a minor portion of the entire project, and was one of the last pieces of research performed within its scope. It was intended to determine whether the findings we had obtained under controlled laboratory conditions could also be obtained under more natural circumstances. Specifically, we observed the emotional reactions of motorists in air conditioned cars as opposed to that of motorists in non-air conditioned cars

on warm summer days. This part of the project required less than three weeks, and incurred costs of less than $100.00

6. Senator Proxmire's news release took this very small portion of our two-and-one-half-year project, presented it out of context, and gave the impression that it represented the whole of our study or at the very least a major portion of it.

7. Senator Proxmire's news release was issued approximately a year after our project was completed. During the course of the project, regular reports were filed with NSF and review of those reports would have disclosed the true nature of our work.

8. I was not contacted by Senator Proxmire or his staff prior to his news release and I was not given an opportunity prior to the news release to explain to Senator Proxmire the true nature of our work.

9. The news release resulted in wide-spread publicity for me and my work. I have collected some of the newspaper accounts of the news release; they are attached hereto as Attachments 2 through .....

10. The news release and the resulting publicity was very upsetting to me and to my family and resulted in much emotional turmoil for us. My hometown newspaper, for example, carried the story resulting from the news release and captioned it with this headline: "Purdue Prof's Study 'Ridiculous'." After the news release appeared in print, both my wife and I received many adverse and critical comments about my work from a number of acquaintances.

/s/ Robert A. Baron
Robert A. Baron

Subscribed and sworn to before me this 8th day of November 1976

/s/ Eloise G. Warren
Notary Public

My Commission Expires: 4 September 1980

BARON AFFIDAVIT, ATTACHMENT 1, PRESS RELEASE BY SENATOR PROXMIRE, MARCH 16, 1976, RE: GOLDEN FLEECE AWARD GIVEN TO DR. ROBERT A. BARON, PLAINTIFF'S TRIAL EXHIBIT 6, U.S. D.C., WESTERN DIST. OF WISC.

FOR RELEASE After 6:30 A.M. Tuesday March 16, 1976

Senator William Proxmire (D-Wis) Tuesday gave his "Golden Fleece of the Month" award for March to the National Science Foundation for "spending $46,100 to study the effect of scantily clad women on the behavior of Chicago's male drivers."

Proxmire is the Chairman of the Senate Appropriations Subcommittee charged with the responsibility of reviewing the budget of the NSF. The "Fleece of the Month" award is given each month for the biggest or most ridiculous or most ironic example of government waste.

"This study was supported by an NSF grant on 'Environmental Determinants of Human Aggression' given to Dr. Robert A. Baron, now of the University of Texas, when he was at Purdue University.

"The method of operation was simple. Dr. Baron's assistant would pull his car to a stop at a red light at a Chicago intersection. When the light turned green, the assistant would refuse to move the car for about 15 seconds. The purpose was to determine when and how often the driver immediately behind would become impatient and aggressive enough to honk his horn at the assistant to get moving.

"In order to see if 'environmental determinants' such as sexual arousal, humor and empathy reduced 'human aggression' in the form of horn honking, Dr. Baron had a young woman walk past the stopped driver dressed in a variety of costumes.

—In the 'sexual arousal' case, Dr. Baron had his female 'dressed in an extremely brief and revealing outfit of a very unusual type.'

—For the 'humor' case, the young woman wore 'an outlandish humorous clown mask.'

—In the 'empathy' case, the woman 'hobbled along on crutches and wore a bandage on her left leg.'

"Dr. Baron concluded that the different costumes had their intended effect. He reported that not only did male drivers smile at the briefly attired young lady and watch her walk down the street; but some whistled or made sexually-oriented comments.

"Dr. Baron found that empathy and humor as well as sexual arousal reduced the amount of horn honking.

"But Dr. Baron did not stop his NSF supported research after the completion of the study of humor, sex and horn honking. He went on to find out with funds from the same grant that people who get literally hot under the collar when placed in a very warm room become aggressive unless cooled off by a drink of iced lemonade.

"While this piece of contrived research may appear ridiculous to most American taxpayers, the National Science Foundation officials who authorized spending $46,100 on

this project must have had something like the following in mind: To reduce the tension and aggression of drivers caught in the middle of traffic jams in American cities, the Foundation seems to tell us we should organize thousands of bikini wearing young women, clowns, and women with broken legs to strut, dance, and stagger across the streets at every busy intersection in every big city in every rush hour from now on.

"That's not my way to bring down unemployment."

AFFIDAVIT OF G. WILLIAM WALSTER, NOVEMBER 9, 1976, PLAINTIFF'S TRIAL EXHIBIT 4, U.S. D.C.,WESTERN DIST. OF WISC.

STATE OF WISCONSIN)
: ss.
COUNTY OF DANE)

I, G. WILLIAM WALSTER, after being duly sworn, state:

1. I am an associate professor at the University of Wisconsin-Madison. I teach Statistics in the Sociology Department. I received the Bachelor of Arts Degree from Stanford University in 1963 (Honors in Psychology) and the PhD Degree from the University of Minnesota in 1968. I am a member of the Institute of Mathematical Statistics, the American Statistical Association, the American Psychological Association, the Society of Experimental Social Psychology, the American Mathematical Society, and the American Sociological Association. I have been the author or co-author of numerous scientific articles and publications.

2. My wife, Elaine C. Walster, is a professor in the Department of Sociology at the University of Wisconsin-

Madison. She received the Bachelor of Arts Degree from the University of Michigan in 1959 and the PhD Degree from Stanford University in 1963. She is a fellow of the American Psychological Association, a member of the Society of Experimental Social Psychology, a member of the American Sociological Association, a fellow of the Society for the Psychological Study of Social Issues, and a member of the Association for Women Psychologists.

3. Both my wife and I teach and engage in research at the University of Wisconsin-Madison. My wife and I were co-investigators in the research project which is discussed in this affidavit. My wife is currently in Indonesia and will not return to this country until November 11, 1976.

4. On about March 13 or 14, 1975, Elaine Walster was telephoned by Mr. Robert Mills, an aid to Senator William Proxmire. Mr. Mills referred to a research project that I and my wife were performing under a grant from the National Science Foundation (NSF Grant GS 30822). Elaine explained to Mr. Mills that we had been involved in research in social relationships for a long period of time and specifically that we had been testing "Equity Theory." "Equity Theory" attempts to determine or predict what will happen when a party in a relationship perceives a relationship is unfair, that is, feels that he or she is receiving less or more from the relationship than he or she is giving. In our research, we have applied Equity Theory in general to five categories of relationship: (a) exploiter/victim; (b) legal; (c) philanthropist/recipient; (d) industrial; and (e) intimate. Elaine tried to explain to Mr. Mills that we had explored such questions as: Does a person feel uncomfortable when he gets more than he deserves from a relationship . . . or only when he gets less than his share? What determines

whether a person becomes angry when he's victimized . . . or passively accepts his fate? What motivates victims to blame *themselves* for their sorry condition? Elaine further explained that in only two of our studies had we even interviewed dating couples. Moreover, Elaine told Mr. Mills that he could find out more about our NSF research by consulting the progress reports we filed with NSF from 1971-1974.

It is difficult to accurately communicate the details and thrust of years of research over the phone. Elaine therefore asked Mr. Mills if he would like us to write a summary of our research work and to send it to him. Mr. Mills stated that he desired that we do that. We then began writing an explanation and summary of our research work, and on March 15, 1975, we sent the summary to Mr. Mills. A copy of our letter to Mr. Mills is attached to this Affidavit as Attachment 1.

5. At about the same time, Senator Proxmire's office released a news release referring to our work. The news release, a copy of which is attached to this Affidavit as Attachment 2, indicates at the top that it is "FOR RELEASE AFTER 6:30 A.M., TUESDAY, MARCH 18, 1975." However, we were telephoned by a member of the news media on March 15, 1975, the same day we sent our letter to Mr. Mills. The newsman alerted us that a forthcoming press release would expose our research on "drugs" and "Masters and Johnson-type sex research" . . . and asked all about it. The reporter indicated that the news release had been made available on March 14 or March 15, 1975. Thus, Senator Proxmire's office did not wait for Mr. Mills to receive the summary and explanation of our research work before issuing the news release.

6. The news release stated in part that "a $620,000 National Science Foundation Grant to the University of

Wisconsin-Madison to study passionate love is an outrageous waste of the taxpayers' money." The news release also stated that we had given students caffeine (coffee) and sent them off on "simulated" dates. This research was never conducted. We never even asked students a single question about their love or sex lives.

7. The statement in the news release to the effect that the National Science Foundation had granted $260,000 to the University of Wisconsin-Madison to study "passionate love" is not true. It is true that a small part of our total research involved applying "Equity Theory" to intimate relationships. But "intimate relationships" did not mean sexual relationships or "passionate love." Rather, the "intimate relationships" that we studied involved the warm, loving bonds that exist between parent and child, husband and wife, friend and friend. In our research, we discovered that Equity Theory does indeed apply to these intimate relationships. We did not study passionate love under the National Science Foundation Grant referred to in Senator Proxmire's news release.

8. The preliminary grant proposal for the grant referred to in Senator Proxmire's news release was submitted to the National Science Foundation ("NSF") in 1970. NSF, following its usual procedure, submitted our preliminary grant proposal to a panel of eminent social scientists for review. Research grant proposals submitted to NSF are subjected to careful, critical review by disciplinary and/or inter-disciplinary committees, consisting of leading research scholars, who not only make recommendations based on detailed scholarly review of the proposals but also give each approved project a priority rating for funding. The projects that pass this review are, also, scrutinized by the professional staff of the agency and by a presidentially appointed board of prominent citizens to deter-

mine whether the project falls within the congressionally mandated purposes of the Foundation and is worthy of public support.

NSF gave us very detailed information about the strengths and weaknesses the various researchers saw in our preliminary grant proposal.

When NSF announced its grant awards, a number of other researchers, who were working in the same area as proposed by us, heard about our project and contacted us to describe their research and its relevance to our own.

As a result of the evaluation of our preliminary grant proposal by NSF and its consulting scientists, and as a result of the information we received from other researchers in the field, we redesigned our proposed research project. The original research proposal was changed before the research work ever started. NSF was immediately advised of the changes in our research proposal and the changes were officially made in the first year's progress report filed with NSF. Throughout our grant with NSF, we submitted reports to NSF indicating the research work being done. These are the reports that Elaine suggested Mr. Mills take the time to read.

9. The research grant from NSF referred to in Senator Proxmire's news release was for a four-year research study. Approximately three and one half years of the research had been completed at the time the news release was issued. The news release was based upon our preliminary original grant proposal and not upon the research work actually done. If the progress reports and other items on our research filed with the NSF had been reviewed before Senator Proxmire issued the news release, it would have been clear that we had not received $260,000

from the National Science Foundation to study passionate love.

10. As mentioned above, Senator Proxmire's news release stated that "One of the methods the investigator uses to measure arousal is to give participating students at the university caffeine tablets. and then arrange a 'simulated date' in the laboratory for the students with members of the opposite sex."

We did not give students caffeine tablets, and we did not arrange "simulated dates." Senator Proxmire apparently picked up that proposed method of research from our original preliminary grant proposal. If Senator Proxmire or his staff had asked us, we would have advised them that the just-quoted type of research was not performed. If Senator Proxmire or his staff had reviewed the progress reports at NSF or discussed our work with the project officer at NSF, Senator Proxmire would have learned that that research was not performed.

11. Senator Proxmire's news release did not refer to my wife or me by name. However, my wife's name immediately became known to the news media because during the weekend of Friday, March 14; Saturday, March 15; and Sunday, March 16, 1975, we were besieged by telephone calls and inquiries from the news media. The news release resulted in a great deal of publicity about my wife, including numerous newspaper articles. Some of the newspaper articles were quite sympathetic, while others were highly critical. For example, Mr. James J. Kilpatrick's column in the March 27, 1975 "Washington Star" referred to our grant and some other grants as "a reckless and irresponsible rip-off of the tax payers." I have collected some of the newspaper articles resulting from Senator Proxmire's news release, and they are at-

tached to this Affidavit as Attachments 3 through 6. The faculty of the University of Wisconsin-Madison has been supportive of us throughout this professional and personal trial. On March 20, 1975, the Department of Sociology of the University of Wisconsin unanimously adopted a resolution deploring the attack upon Professor Elaine Walster. A copy of that resolution is attached to this Affidavit as Attachment 7. On April 14, 1975, former Madison Chancellor William Sewell, now a professor of Sociology, asked the University of Wisconsin-Madison faculty senate to approve a resolution deploring the attack on our research work. A copy of Professor Sewell's address to the faculty senate and the adopted resolution are attached to this affidavit as Attachments 8 and 9. I believe Professor Sewell's speech (at page four) accurately states the way in which our research was misconstrued and accurately states (at page two) the NSF's method of evaluating proposed research. I am also in agreement with Professor Sewell in his comments regarding the dangers to social science research caused by such uninformed attacks.

12. Soon after this early series of exchanges, we made one more attempt to inform Senator Proxmire about our Equity research. We sent him a progress report entitled *Equity: Theory and Research* (Boston: Allyn and Bacon, 1977). This book details all the Equity research we have conducted on federal grant funds. On October 11, 1975, Senator Proxmire sent us a personal note indicating that he had received *Equity: Theory and Research.* A copy of this letter is attached to this Affidavit as Attachment 10.

13. However, on two occasions since his note, Senator Proxmire has attacked our "love-machine" research. In a letter to his constituents (February 9, 1976) he asked: "Did the Golden Fleece get results?" He answered: "The National Science Foundation did not renew two of the

three contracts to consultants studying 'love'" (i.e., of the research of Dr. Ellen Berscheid, the Walsters, and Dr. Zick Rubin, the contracts to Dr. Berscheid and the Walsters were the two not renewed). A copy of this letter is attached to this Affidavit as Attachment 11. Similarly, a few weeks after Senator Proxmire's friendly note, he did a news spot in Madison in which he said that the Playboy Foundation should fund love and sex research like ours. Elaine was asked to respond.

14. Senator Proxmire's news release and the resulting publicity and furor has been very upsetting to me and to my wife, and has been disruptive of our lives. The telephone calls from the press, the questions from the press, the meetings with reporters and the other interruptions that surrounded the news release kept us in a state of agitation for about one month. It will take much longer than that for us fully to recover from the emotional trauma caused by this event. Our research work has been disrupted because it is very important for persons engaged in scientific research or other creative activity to avoid distracting anxieties and agitation.

/s/ G. William Walster
G. William Walster

Subscribed and sworn to before me, a Notary Public, this 7 day of November 1976.

/s/ Ruth M. Berthold
Notary Public, Dane
County, Wisconsin.

My Commission Expires: July 14, 1980

WALSTER AFFIDAVIT, ATTACHMENT 2, PRESS RELEASE BY SENATOR PROXMIRE RE: GOLDEN FLEECE AWARD, MARCH 18, 1975 TO G. WILLIAM WALSTER, PLAINTIFF'S TRIAL EXHIBIT 4, U.S. D.C., WESTERN DIST. OF WISC.

FOR RELEASE AFTER 6:30 A.M., THURSDAY, MARCH 18, 1975

Senator William Proxmire (D-Wis) charged Tuesday that "a $260,000 National Science Foundation grant to the University of Wisconsin-Madison to study passionate love is an outrageous waste of the taxpayers' money."

Proxmire is Chairman of the Senate Appropriations Subcommittee that reviews the budget of the National Science Foundation annually.

In a statement from his Washington office, the Wisconsin Senator said, "The National Science Foundation's summary of this project states that 'social psychologists have generally tried to explain passionate love within the reinforcement paradigm. Since data have not fit tidily into this framework, the investigator will turn to Schachter's theory to explain strong interpersonal attraction.'

"In language which is equally unclear, the NSF report further states that this research will rely primarily on 'the implications of Schachter's general theory of emotion, which suggests that the emotion an individual will experience depends on how he labels his feelings.' In an attempt to explain 'strong interpersonal attraction', the researchers will focus the major part of their attention on three questions:

"1. How can arousal be best defined?

"2. Can the same form of physiological arousal really generate all or almost all, emotions—given appropriate labeling? and

"3. Can individuals relabel their feelings, and under what conditions is this likely to occur?

"If scholars wish to make this kind of study independently, of course, they are free to do so, but to soak the taxpayer for more than a quarter of a million dollars is a disgrace.

"One of the methods the investigator uses to measure arousal is to give participating students at the university caffeine tablets, and then arrange a 'simulated date' in the laboratory for the students with members of the opposite sex.

"This $260,000 project seems destined to join similar NSF-funded studies at Harvard ($121,600) and the University of Minnesota ($84,000) in a futile and wasteful effort to define the impossible. For my own part, I do not care whether the project is done at Harvard or at Minnesota or my home state of Wisconsin. If it's a bad project and a waste of the taxpayers' money, it should not be done at any of these places.

"The National Science Foundation could spend its entire $750,000,000 FY 1976 budget trying to define 'arousal' and 'passionate love' and never get an answer.

"I think it is time the National Science Foundation put a stop to this Federal version of 'The Love Machine' and rearrange its research priorities to address our scientific, not our erotic curiosity."

WALSTER AFFIDAVIT, ATTACHMENT 8, REMARKS BY WILLIAM H. SEWELL, IN SUPPORT OF RESOLUTION OF UNIVERSITY OF WISCONSIN FACULTY SENATE, APRIL 14, 1975, PLAINTIFF'S TRIAL EXHIBIT 4, U.S. D.C., WESTERN DIST. OF WISC.

Mr. Chancellor and Members of the Senate, I have asked permission of the Faculty Senate to speak in favor of the resolution offered by my Sociology colleagues because I consider Senator Proxmire's attack in the public press against Professor Elaine Walster's research not only to be unfair to a valued member of this faculty but more importantly to constitute a serious menace to basic research and the freedom of scientific inquiry which all academic bodies must do their utmost to protect. It is important to realize that this threat is not simply to social scientists but, on the basis of what we now know, to basic research in the biological and physical sciences and humanities as well.

I shall make my remarks brief and will address only four major points which constitute the reasons why I believe this resolution deserves the support of all members of this faculty.

First, I see the Senator's current newspaper campaign, which so far has been concentrated on social science projects, to be primarily an attack on the peer review system of the National Science Foundation and indirectly on this system as it operates in other federal agencies. As most members of this body know well, research grant proposals submitted to NSF are subjected to careful, critical review by disciplinary or interdisciplinary committees, consisting of leading research scholars, who not only make recommendations based on detailed scholarly review of the proposals but also give each approved project a priority rating for funding. The projects that pass this review are, also, scrutinized by the professional staff of the agency and by a Presidentially appointed board of prominent citizens to determine whether the project falls within the congressionally mandated purposes of the Foundation and is worthy of public support.

Many people in this room have served with conscience and courage on NSF, NIH, or other peer review committees. I think they will agree with me that this system, although not perfect, is the best yet devised for determining the merit of research proposals. The scientific community must welcome efforts to improved present peer review procedures. At the same time it must object, through every legitimate channel, to procedures that force NSF and the individual scholar to be at all times on the defensive against any single Senator's adverse public view of an individual project.

Although it is obvious that the peer review system would rapidly be destroyed if many other Congressmen were to adopt Senator Proxmire's approach, I recognize that this may not be his intent. If his purpose is simply to express legitimate objections to the present review process or other Foundation policies, however, it is much more appropriate for him to voice these objections to the NSF Board or in the Foundation's budget hearings (over which he presides), rather than as unfair attacks on individual projects in the mass media.

My second point is that I believe the Senator's attack to be directed against, and to the degree that it succeeds, damaging to the whole concept of basic research. A number of his comments, make it quite apparent that he feels that public funds should be limited to studies with immedi-

ate or short-term practical pay-off, rather than to basic research. The great bulk of research funds outside NSF is spent on applied and development work. It would be unfortunate indeed if the National Science Foundation, set up by Congress for the express purpose of keeping this country a leader in basic research, were forced to shift an undue share of its attention to the short-term practical pay-off of the projects it supports.

Third, I am concerned about the effects of the Senator's attacks on the professional staff of NSF in particular, and on the scientific and scholarly community in general. My worry is that the staffs of NSF and of other research granting agencies will inevitably tend to discourage applicants from seeking funding for any kind of study which any influential Congressman might attack—even though the work falls well within the mandate of the Foundation and would be considered important by the relevant scientific committees. An even more serious chilling effect would be felt if young investigators concluded that it was unwise to propose important new studies on problems which, by their very nature, invited partisan attack or ridicule by powerful public figures.

Finally I believe that it is both irresponsible and unethical for a U.S. Senator to use his office and his access to the mass media to misrepresent an individual scholar's work by quoting selected phrases and words out of context. For example, in the present instance (to quote the Senator directly), Professor Walster's project is characterized, as "a grant to the University of Wisconsin-Madison to study passionate love", when in actuality it is a study to test the theory of positive affect—a theory that is tested by examining equity relationships involved in the interpersonal dealings of employers and employees, donors and recipients, aggressors and victims, engaged couples, hus-

bands and wives, and parents and their children. Without even having read the explanation of Professor Walster's study which she sent to him at his own request—without any apparent effort to try to understand or appreciate the fundamental research issues under study—the Senator gratuitously and quite inaccurately claimed that it was addressed to "erotic curiosity." No word except demagoguery can describe such actions, and they must be condemned by serious people in all areas of scholarship.

With or without such condemnation, we have reason to expect similar unjustified attacks against the research of scholars in the natural sciences and the humanities. In fact it has been recently reported in *Behavior Today* (March 31, 1975) that Senator Proxmire's staff expects to proceed with comparable examination of the hard sciences as soon as Congressional interns can be recruited who have some competence in the physical and biological sciences. The Senator's office has already asked for summaries of the more than 4,000 projects currently supported by the National Institute of Mental Health—many of which are in the bio-medical sciences.

It was after a good deal of thought and with some sadness that I concluded that I must speak out in support of this resolution. The Senator could have permitted us to do something considerably more constructive if he had accepted invitations that have been extended to him to meet with University scholars, express his concerns and explain his position, and discuss our fears about the serious threat to scientific inquiry that is posed by political attacks in the mass media. One of my distinguished colleagues, a member of this Senate, Professor Winsborough, extended such an invitation to Senator Proxmire months before the Senator's attack on Professor Walster's research. The Senator did not accept this invitation. I understand that

others have explored a similar approach. With deep regret I conclude that it is much too late for such discussions. The Senator is a politically astute man who must know very well what he is doing. I do not believe that it is realistic to expect a resolution by the Faculty of this University to influence greatly his political goals and actions.

But in fairness to ourselves and to the cause of science and scholarship everywhere, we cannot maintain a silence that will be interpreted either as approval of a basically anti-intellectual position or as a lack of concern about its dangerous consequences.

WALSTER AFFIDAVIT, ATTACHMENT 9, RESOLUTION OF UNIVERSITY OF WISCONSIN FACULTY SENATE RE: GOLDEN FLEECE AWARD OF SENATOR PROXMIRE TO G. WILLIAM WALSTER, APRIL 14, 1975, PLAINTIFF'S TRIAL EXHIBIT 4, U.S. D.C., WESTERN DIST. OF WISC.

On 14 April 1975, The University of Wisconsin Faculty Senate passed the following resolution offered by Professors John DeLamater, Gerald Marwell, Richard Schoenherr, and Halliman Winsborough, Senators, District 71 (Sociology):

> "That the UW-Madison Faculty Senate deplores the damage that is being done to basic research and to freedom of scientific inquiry by irresponsible and inaccurate attacks of the kind Senator William Proxmire recently made on research supported by the National Science Foundation including research conducted by one of our colleagues, Professor Elaine Walster.
>
> We fully endorse a legitimate concern for economy and for watchfulness in Federal Government support of scientific research, as in every other realm of governmental activity. But we must respectfully point out that Professor Walster's study had undergone rigorous review through every appropriate scientific and administrative channel. Her own recognition as a Fellow of the American Psychological Association and of the Society for the Psychological Study of Social Issues are further evidence of her scientific integrity and productivity.
>
> Subsequent events have made it clear that Senator Proxmire did not fully understand nor try to find out the true nature of this project. Professor Walster's research on equity relationships between employers and employees, donors and recipients, engaged couples, husbands and wives, and parents and children is mocked by the Senator's characterization of this work as a study of "passionate love" addressed to "erotic curiosity." It is significant that the Senator released his condemnatory statement after he had asked Professor Walster for further written information but before there was time for him to receive her reply.
>
> Decisions regarding the value of basic research must continue to be based on peer reviews. To the extent that in his personal opinion some funded basic research projects are wasteful, Senator Proxmire's criticisms must be directed at improving the Foundation policies and review criteria. To attack, instead, individual scientists' projects, through the mass media and on insufficient knowledge, is a threat to freedom of scientific inquiry which the Faculty Senate can only view with deep dismay."

They also voted to file a letter by William H. Sewell in support of the resolution.

AFFIDAVIT OF ELAINE WALSTER, NOVEMBER 15, 1976, PLAINTIFF'S TRIAL EXHIBIT 5, U.S. D.C., WESTERN DIST. OF WISC.

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

I, ELAINE WALSTER, after being duly sworn, state:

1. I have reviewed the Affidavit of my husband, Professor G. William Walster, dated November 9, 1976.

2. The information contained in that Affidavit is true and correct.

/s/ Elaine Walster
Elaine Walster

Subscribed and sworn to before me, a Notary Public, this 15 day of November, 1976.

/s/ Ruth M. Berthold
Notary Public, Dane County, Wisconsin.

My Commission Expires: July 14, 1980

AFFIDAVIT OF B. F. SKINNER, NOVEMBER 15, 1976, PLAINTIFF'S TRIAL EXHIBIT 1, U.S. D.C., WESTERN DIST. OF WISC.

Cambridge, Middlesex County, Massachusetts, 02138

I, B. F. Skinner, being duly sworn, say:

1. I am Professor of Psychology and Social Relations Emeritus at Harvard University. I have published twelve books in the field of behavior both human and sub-human.

I have received the National Medal of Science (from President Johnson), the Gold Medal of the American Psychological Foundation, the International Award of the Joseph P. Kennedy Jr. Foundation for Mental Retardation, many other awards, and 21 honorary degrees.

2. I am thoroughly familiar with Dr. Hutchinson's work. He is a student and former colleague of a student of my own, Nathan Azrin, one of the outstanding younger psychologists in America today, and I have followed their joint work and then Dr. Hutchinson's work with other colleagues and his own work as it appeared from year to year.

3. Dr. Hutchinson is a careful, dedicated, and intelligent scientist, and his field is very important. No problem today, with the possible exception of overpopulation, is more serious than that of aggression. In the last analysis this always reduces to aggression between individuals. Laymen, historians, and some psychologists are accustomed to discussing these issues simply in terms of everyday observations, but the only hope of something better lies in an experimental approach. I believe Dr. Hutchinson is tackling the problem at precisely the right point, and that his results already help in the interpretation of aggression in daily life. We should soon begin to find solutions to practical problems, beginning perhaps on a small scale in classrooms, work spaces, and city streets, but moving eventually to the international scene.

4. Senator Proxmire's Press Release, dated Friday April 18, 1975, completely misrepresents the significance and quality of this work. To take just one example, the reader would assume that Dr. Hutchinson was concerned only with whether people clenched their jaws. What is at issue is the need for a quantitative measure showing slight changes in the inclination to be aggressive. If jaw-

clenching is a sign of impending aggression, then it can be used to study conditions which contribute only slightly to the probability of aggressive behavior. The effect of alcohol on aggression is far too important to be dismissed as nonsense and so, with a third or more of the world actually hungry, is the relation to hunger. That Dr. Hutchinson has "made a fortune from his monkeys" is not only not true but a serious reflection on his character.

5. Senator Proxmire, or whoever prepared the statement he has allowed to appear over his name, has wholly missed the significance of research of this kind, and if one of the intents of the Golden Fleece Award is to dissuade agencies from granting support for research of this nature, it is a serious threat to science in America. It comes too close to governmental intervention in science in totalitarian and communist countries.

Signed /s/ B. F. Skinner
B. F. Skinner

Dated Nov. 15, 1976

Witnessed Patricia Foley

My commission expires: Jan. 19, 1980

AFFIDAVIT OF JOSEPH BRADY, NOVEMBER 16, 1976, PLAINTIFF'S TRIAL EXHIBIT 2, U.S. D.C., WESTERN DIST. OF WISC.

STATE OF MARYLAND)

ss.

COUNTY OF ANNE ARUNDEL)

I, JOSEPH BRADY, after being duly sworn, state:

1. I am a Professor of Behavioral Biology in the Department of Psychiatry and Behavioral Sciences at the

Johns Hopkins University School of Medicine. I received my graduate training at the University of Chicago, having been awarded the PhD degree in 1951. I am a Fellow of the American Psychological Association, the American Association for the Advancement of Science, and the Royal Society of Medicine. I am past president of the Eastern Psychological Association and of the Division for the Experimental Analysis of Behavior of the American Psychological Association. I have served as a Consultant to the President's Science Advisory Committee, the National Institutes of Health, the National Aeronautics and Space Administration, the National Science Foundation, and the Merck Institute for Therapeutic Research. I am Associate Chairman of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research and have served as Chairman of the Advisory Committee of the National Institute of Drug Abuse. I have published and/or presented professionally over 200 scientific papers or books in the areas of behavior analysis, behavioral physiology, behavioral pharmacology, and behavioral neurology.

2. I am very familiar with the work of Dr. Ronald Hutchinson, having served on the Scientific Advisory Panel of the American Institute for Biological Sciences which reviewed his original proposal to the National Aeronautics and Space Administration in 1971. This Panel was composed of several eminent and experienced senior scientists in the areas of medicine, physiology, and psychology who carefully reviewed Dr. Hutchinson's research proposal, his previous publications, and his accomplishments in comparison with submissions from other scientists in the field competing for limited funds provided by this agency for such investigative undertakings. As a result of this competitive scientific review, the Panel judged Dr. Hutchinson's work to be of unsurpassed excellence and awarded

him a comparative merit rating of 1.5 on a 1 to 5 scale, with 1 being the highest rating and 5.0 the lowest. In my continuing association with the National Aeronautics and Space Administration since 1971 as a consultant and research investigator, I have maintained contact with Dr. Hutchinson's work through access to his subsequent progress reports and continuation grant applications to that agency.

3. For the past five years, I have been a member of the Scientific Study Section of the National Institute of Drug Abuse and in that capacity, I and other members of the Study Section have reviewed and evaluated all Dr. Hutchinson's grant applications and progress reports to that agency. In addition, I have read in detail all of Dr. Hutchinson's scientific publications and site-visited his laboratory with other members of the National Institute of Drug Abuse Study Section, having thus become thoroughly familiar with his work.

4. I have reviewed a copy of the news release labelled "For Release After 6:30 A.M., Friday, April 18, 1975," announcing that Senator William Proxmire was making the "Golden Fleece Award" jointly to the National Science Foundation, the National Aeronautics and Space Administration, and the Office of Naval Research for funding the research of Dr. Hutchinson. In my opinion, the news release unfairly emphasizes a most superficial description of this very important investigative endeavor and demeans the fundamental significance of the work in furthering our understanding of the critical individual and societal problems involving aggression and hostility. Being as familiar as I am with all of Dr. Hutchinson's grant applications, it is inconceivable that anyone could have read those documents with care and failed to see both the formal and substantive contributions which this work makes to a scientific analysis in the most pressing applied area. In this regard, the news release, in completely ignoring the relationship between the indicated experimental studies and the functional features of hostility and aggression in the natural ecology, is both misleading and unfair in its characterization of Dr. Hutchinson's research.

5. The references in this news release and the Golden Fleece Award by Senator Proxmire to Dr. Hutchinson have continued to provide a lively focus of discussion in scientific and professional circles for the year or more since their well-publicized announcement. The news release and award have not only made Dr. Hutchinson the object of ridicule and unwarranted criticism by both lay and professional groups which I have personally witnessed at such national meetings as the Annual Convention of the American Psychological Association, but this misleading and unfair publicizing of the views expressed in these award announcements has led directly to expressions of doubt and reservation about Dr. Hutchinson's personal integrity and scientific contributions by several colleagues and professional associates who would not have otherwise done so. More importantly, I believe, on the basis of my familiarity with the research review, evaluation, and funding process by the several agencies involved in considerations relevant to support of such investigative work, that the news release and announcement by Senator Proxmire of the indicated Golden Fleece Award has adversely affected the assessment of Dr. Hutchinson's representations to these agencies in so far as they have resulted in more careful and extended scrutiny of his research proposals than would otherwise have been the case.

6. Finally, I would like to emphasize the fundamental importance which I believe must be attached to the innovative and productive research by Dr. Hutchinson on aggres-

sion. In addition to the obvious relevance of this work in specifying conditions under which such destructive phenomena can be expected to occur, the possibility of developing effective countermeasures and constructive alternatives to the ever-growing societal problem of hostility and aggression depends critically upon a basic understanding of the relationships under analysis in this research.

/s/ Joseph V. Brady
Joseph Brady

Subscribed and sworn to before me this 16 day of November, 1976

/s/ E. Taylor Meiser
Notary Public
County, Anne Arundel

My Commission Expires: July 1, 1978

AFFIDAVIT OF RONALD R. HUTCHINSON, NOVEMBER 17, 1976, PLAINTIFF'S TRIAL EXHIBIT 3, U.S. D.C., WESTERN DIST. OF WISC.

STATE OF MICHIGAN)
: ss.
COUNTY OF INGHAM)

I, RONALD R. HUTCHINSON, being first duly sworn, state:

1. I am the Plaintiff in the case titled *Ronald R. Hutchinson* vs. *William Proxmire and Morton Schwartz*, United States District Court, Western District of Wisconsin, Civil Action No. 76-C-257.

2. It is very difficult to summarize seven years of my scientific research life, but the following is my attempt to summarize the work I did during the seven-year period

mentioned in Defendant Proxmire's news release of April 18, 1975:

My research during the 1968 to 1975 period involved the systematic exploration of three questions: First, what causes aggression?; second, how can we accurately and reliably measure aggression in the laboratory?; and third, what procedures can be developed to modify or influence aggression?

My work on these three questions has provided numerous general conclusions from different areas of inquiry, the more important and thoroughly tested of which I will describe below. From place to place in this affidavit, I will refer to those conclusions or areas of inquiry by number. (They will be designated as *1, *2, *3, etc.)

Our studies of the question "what causes aggression?" have shown that there are two major types of environmental conditions: (*1) the occurrence of painful, stressful, unpleasant, or detrimental events and (*2) the termination of satisfying, beneficial or pleasant events. (*3) We have shown that these two types of factors operate for widely differing species, including man. (*4) We have discovered that certain patterns of exposure to these types of conditions can cause the development of a gradual decrease in aggression while other patterns of exposure cause the development of hyperaggressive behavior. We have further investigated how the brain processes these two different types of environmental conditions. For example, we have confirmed (*5) that electrical activity in brain areas responsible for sensing stressful, painful, or detrimental bodily changes causes aggression. (*6) Similarly, we have confirmed that termination of electrical activity in the "reward" areas of the brain causes aggression. Thus, we have demonstrated a parallel between environmental conditions and physiological processes respon-

sible for aggression. Additional studies by myself have at least partially (*7) discovered how changes in bodily chemistry are related to increases and decreases in aggression. (*8) We have found how exposure to certain drugs of abuse cause the development of increased aggression.

Our studies of the second question, "How can we accurately measure aggression in the laboratory?", have shown that (*9) aggression can be reliably measured in several animal species by observing biting attack under controlled conditions where no other victim animal is present. We have (*10) perfected automatic attack-measuring instruments for the rapid and reliable detection of changes in aggression in direct simultaneous comparison to other nonaggressive-type behavior. These methods are capable of reliably measuring behavior without the time-consuming, costly, and less reliable procedures of direct visual observation by the experimenter. We have (*11) developed and extensively tested a method for the accurate and reliable detection of anger and the probability of attack by humans which employs standard laboratory instruments. This technique may be useful to measure annoyance, and irritability and aggressivity without discomfort or detection by the individual and far more sensitively than interview or "personality test" methods.

Our studies of the third question, "what procedures can be developed to modify or influence aggression?", have led to the discovery of procedures for (*12) changing the environment in ways which reduce the effects of stress or unfavorable circumstances and thereby afford protection to individuals against the development of aggressive behavior. Additionally, (*13) our experiments have discovered how drugs may be employed to reduce aggression and produce increases in attention to and successful coping with stressful environmental situations.

In all of this research, we have found that answers and solutions to the question described above are interdependent. For example, when we perfected a better, more accurate and reliable procedure for detecting aggression in monkeys we could then use the technique to more efficiently and accurately study how a given drug affected aggression. Thus, as with all research, the study of the causes, measurement, and treatment of aggression is a pursuit of answers to intertwined questions.

3. *Documentation of my work.*

Each of the federal research sponsorship agencies has been given numerous documents which describe the purposes, goals, and findings which I have described above. The process by which a federal agency is informed is as follows: A research scientist, from his study of scientific literature and from the research he has conducted may develop an idea or insight to a relationship or process in nature, or he may see an obstacle to understanding such. He may apply to a federal research sponsorship agency for financial support to study the problem or idea. The researcher's proposal will contain several sections (as described and required by the agency) usually including Title, Brief Abstract, Statement of Rationale, Exposition of the Procedure, including a description of the research to be performed, a detailed review of the general literature, a detailed description of previous work performed in the subject matter area by the reviewer, available facilities, and budget. After submission of a proposal, the federal agency goes through a systematic procedure of evaluation and review. Frequently, this process involves sending the proposal to seven to fifteen scientists at different institutions throughout the country for independent professional criticism. Sometimes, agencies circulate proposals among several "in house," experts for evaluation. A final step

often involves screening and evaluation by a scientific review committee composed of well-known scientists brought especially to the agency to evaluate the scientific merit, relevance, and priority of the proposal to the federal agency. A proposal will then receive an evaluation from four or five, or as many as twenty scientists and a final evaluation of priority or "relevance" will be assigned. The agency then will approve for funding those proposals rated most highly. With limited agency budgets, this means that proposals that receive funding invariably represent the few amongst many that may have been submitted that received high enough scientific merit and relevance ratings.

Following funding (perhaps, as is typical, only partial funding) the researcher will set to work.

Each agency requires periodic progress reports and a final report. Some agencies also periodically "site visit" the research program to obtain first-hand contact and evaluation. Progress reports contain descriptions of findings, graphs, charts, publications, and drafts of forthcoming publications which the scientist has produced during the period of support. Sometimes a final report will be contained as a part of a proposal for supplementary or renewal funding.

If the investigator seeks additional funds at expiration of a grant or contract, the cycle described above will begin anew.

In my research efforts, I have recurrently submitted funding proposals to various federal agencies. Frequently, these proposals have received high enough ratings so that support funds were awarded. When I have received funding from several agencies for work to occur in the same time period, funds have always been requested and

awarded for specific, separate experiments, sometimes of a complementary nature, but *never* have funds been awarded by a funding agency to perform the same experiments funded by another agency.

The sequence which I have described above as it has occurred with the National Science Foundation (NSF), The Office Of Naval Research (ONR), and the National Aeronautics and Space Administration (NASA) is presented in Exhibits 46 to 63. Exhibits 64 to 96 contain the technical articles, review papers, book chapters, and drafts of forthcoming manuscripts which the agencies have received from me as partial reports of progress. This then is the brief description of the full cycle of funding proposals, scientific progress reports, and technical publications, which occur as a sequence each time funding is provided by a federal agency. My purpose in describing this cycle with exhibits is to point out both the nature and extent of written material available to the agencies and provided by the agencies to Senator Proxmire for inspection and evaluation. In grant proposals, in progress reports and in technical articles, the general description of our work is thoroughly provided, carefully buttressed with extensive literature citations. The purposes of our investigations are described; and our conclusions are described in detail.

4. *Evaluation of the April 18, 1975 Proxmire news release.*

A. *What It Does Not Say*

The description of my research presented in the press release issued by Senator Proxmire I believe, is an inaccurate, misleading and defamatory statement, both as a general characterization and in the specifics which it describes. It is in error first because it consistently presents

individual, isolated events which fail to convey any organization, logic, theme, purpose or goal of the research. Except for a description of the titles of two research projects wherein the term "aggression" is employed, the press release focuses upon statements of isolated and independent tests and measurements. In no case does the Senator mention our purpose of understanding the causes of aggression, our purpose in accurately and reliably measuring aggression or our purpose for developing procedures to modify or influence aggression. Yet, each of these purposes is mentioned and described in detail in sections of grant proposals, progress reports and technical articles to which I have already referred.

In the beginning of my statement here, I mentioned several general findings which I have made over the course of my research program. I have stated that my work has shown that two general classes of environmental conditions are responsible for aggression in animals and man. (Points one and two earlier in this statement). These findings are recurrently stated in grant proposals, technical articles and review articles. See Plaintiff's Exhibit 70 entitled "The Environmental Causes of Aggression." Reference can also be made to the section entitled, "Previous Work of this Investigator" in each of the grant proposals. See for example National Science Foundation Proposal Plaintiff's Exhibits 48 and 49. The Senator's press release makes no mention of these general findings.

General finding three which is that these two types of environmental factors operate for widely differing species, including man. Confirmation of this statement can be found in grant proposals, for example, Exhibits 49 in the sections entitled "Previous Work of this Investigator," and the review article, Plaintiff's Exhibit 70. Senator Proxmire has made no mention of this general finding in his press release.

The fourth general finding which I have described is the discovery of how certain patterns of exposure to different environmental conditions can cause the development of a gradual decrease in aggression while other patterns of exposure cause the development of hyper-aggressive behavior. Confirmation for this statement can be found in Plaintiff's Exhibit 70 entitled "The Environmental Causes of Aggression" and in the grant proposal sections entitled "Previous Work of this Investigator," Plaintiff's Exhibit 49. Senator Proxmire has made no reference to this finding from our work in his press release.

The fifth finding which we have made is that electrical activity in brain areas responsible for sensing stressful, painful or detrimental bodily changes causes aggression. Confirmation for this statement may be found in Plaintiff's Exhibit 70, entitled "The Environmental Causes of Aggression." Further confirmation can be found in the Research Proposals, Section entitled "Previous Work of this Investigator," Plaintiff's Exhibit 49. No mention of this finding is made by Senator Proxmire in his press release.

The sixth finding which we have reported is that termination of electrical activity in the "reward" areas of the brain causes aggression. Confirmation for this statement is found in Plaintiff's Exhibit 70 entitled "The Environmental Causes of Aggression." Further confirmation is found ONR Research Proposals Section entitled, "Previous Work of this Investigator," Plaintiff's Exhibit 56. Senator Proxmire in his press release makes no mention of this finding.

The seventh finding which we have reported is the discovery of how changes in bodily chemistry are related to increases and decreases in aggression. Confirmation for this statement is to be found in Plaintiff's Exhibits 73 and Plaintiff's Exhibit 49, in the section entitled "Previous

Work of this Investigator." Senator Proxmire has made no reference to this general finding from our work.

The eighth finding which we have reported is that exposure to certain drugs of abuse can cause the development of increased aggression. Support for this statement can be found in Plaintiff's Exhibits 49 in Section entitled "Previous Work of this Investigator," in Plaintiff's Exhibit 73, entitled, "Basis of Behavioral Influence of Chlorpromazine." Senator Proxmire makes no mention of this finding in his press release.

The ninth finding which we have reported is that aggression can be reliably measured in several animal species by observing biting attack under controlled conditions where another victim animal is not present. Support for this statement may be found in Plaintiff's Exhibit 46, NSF Proposal for Research Support, section entitled "Previous Work of this Investigator," and Plaintiff's Exhibit 68, Entitled "Byproducts of Aversive Control." Senator Proxmire in his press release made no mention of this finding.

The tenth finding which we have reported is that we have perfected automatic attack measuring instruments for the rapid and reliable detection of changes in aggression in direct, simultaneous comparison to other nonaggressive behaviors. Support for this statement can be found in Exhibit 55, "Causes and Control of Aggression in Man." Additional support may be found in Exhibit 76 entitled "Effects of Long-Term Shock and Associated Stimulae on Aggressive and Manual Responses." Senator Proxmire in his press release makes no mention of this finding.

The eleventh finding which we have obtained is the development and extensive testing of a method for the accurate and reliable detection of anger and the probability

of attack by humans which employs standard laboratory instruments. Confirmation for this statement may be found in Exhibit 62 entitled "Progress Report to the National Aeronautics and Space Administration;" supplement entitled "The Laboratory Measurement of Human Anger;" and in Plaintiff's Exhibit 49 Section entitled "Previous Work of this Investigator." Senator Proxmire makes no mention of this finding in his press release.

The twelfth finding which we have reported is that certain procedures can be used to change the environment to reduce the effect of stress, thus reducing aggressive behavior. Support for this statement can be found in Plaintiff's Exhibit 52 entitled "The Development of Sustained Attack Behavior" and Plaintiff's Exhibit 76 entitled "Effects of Long-Term Shock and Associated Stimulae on Aggressive and Manual Responses." Senator Proxmire has made no mention of this finding in his press release.

Our thirteenth area of research has discovered how drugs may be used to reduce aggression and produce increases in attention to and successful coping with stressful environmental conditions. Support for this statement can be found in Exhibit 73, entitled "The Basis of Behavioral Influence of Tranquilizers" and further support may be found in Exhibit 56, entitled ONR Proposal for Funding, Section "Technical Description of Proposed Work." Senator Proxmire has made no mention of this finding in his press release. By failure to describe goals, purposes, general findings, and benefits of this research effort the Senator has misinformed his audience and created an impression of purposeless, disorganized and chaotic work.

B. *What It Falsely Says.*

In the first paragraph of the Senator's press release, he concludes from the findings of these studies that it is

clear that the government paid a half million dollars to find out that anger, stopping smoking and loud noises produce jaw clenching in people. As previously noted, the Federal Government has been informed of at least 13 general conclusions, each based on many separate experiments. Reference to grant proposal documents, progress reports, and published technical and review articles demonstrates that the government's expenditure of one half million dollars paid for far more research, effectively organized around general principles producing coherent general findings. Support for this statement may be found in examination of Plaintiff's Exhibits 64-96, published technical articles and review papers and in the section of the grant proposals entitled "Previous Work of this Investigator", Plaintiff's Exhibits 46-63. Additionally, it should be noted that experiments which discovered that cessation of smoking by smokers produced increased aggressivity was paid for by private funds, and not by the Federal Government.

The first sentence of paragraph three of Senator Proxmire's Press Release says "all this money was given to Roland R. Hutchinson of the Kalamazoo State Hospital in Michigan." This is not true. All funds were remitted to, dispersed by, and accounted for by agencies of the State of Michigan, either Western Michigan University or Fort Custer State Home, or Kalamazoo State Hospital of the Department of Mental Health of Michigan. I could request authority to purchase supplies, equipment or personnel, but actual purchase orders and payroll vouchers were authorized by departments of the institution independent in all ways of the research program. Additionally, all of these funds (except for approximately $15,000) during the entire period were utilized to defray expenses of the research such as supplies, equipment, and personnel other than myself. The State of Michigan was, while I

was at Western Michigan University, reimbursed through federal grants for approximately $15,000 of summer salary paid by the University to me for summer work during the 1967-1970 period.

Additionally, it may be noted that my name is Ronald and not Roland as the Senator reports.

In the fourth paragraph of the press release, Senator Proxmire states "Dr. Hutchinson told NASA that people get angry when they feel cheated and tend to clench their jaws or even scream and kick." This is not a true statement of my report to the National Aeronautics and Space Administration. Plaintiff's Exhibits 59-63 present the research proposal and progress reports over the years of funding to the National Aeronautics and Space Administration. It may be seen by reference to Exhibit 59 that the proposed research to NASA included 11 separate experiments. Additionally, in the successive project reports and in the addenda to several of these reports entitled "The Laboratory Measurement of Human Anger" the exact nature and extent of my findings is reported. In the prepublication entitled "The Laboratory Measurement of Human Anger," we report six separate experimental sequences. The abstract of this technical article succinctly describes the experiment performed and the findings obtained. Further, each of the introductory sections describes the logical purpose and experimental intent for each experiment. Finally, the discussion at the end of each experiment and the general discussion at the end of the entire paper describes the findings of this research in detail. Senator Proxmire has not mentioned any of the goals, purposes, or general statements of findings, as reported in this major summary paper. Instead, he has stated that we told NASA that people clench their jaws when they feel cheated. We did not say this and it in any event would be inaccurate

to describe our work in such terms. In fact, we discovered that people become aggressive when they encounter occasions of reduced monetary delivery; this in spite of the fact that they have been told in the introduction to the experiment that such conditions would occasionally prevail. See for example page 24, paragraph 1, 2 for support for this statement.

In the second sentence of paragraph four, Senator Proxmire states, "NSF learned that Dr. Hutchinson's monkeys became angry when they were shocked and would try to get away from the shock. In addition, NSF was informed that drunk monkeys do not usually react as quickly or as often as sober monkeys and that hungry monkeys get angry more quickly than well fed monkeys." This paragraph is also cited on page 41 of Defendant Proxmire's Brief. The claim is made that this statement is borne out by reference to Exhibit 69. The claim is false as shown by the following. First Exhibit 69 as presented is incomplete. Rather than the three page document Defendant Proxmire presents, the entire report as submitted included 17 pages. The full report is shown as the last section of Plaintiff's Exhibit 49, and includes a two-page budget, four pages of text, a reference page and ten pages of technical graphs and illustrations. In that document, I present first a five-paragraph overview of the work as necessary to introduce the relevance of the particular specific findings discussed in the remaining paragraphs and in technical illustrations. Beginning with the sixth paragraph, I discuss specific findings and cite specific figures to illustrate these points.

Briefly I say that I have found:

1. Propranolol (a drug) when injected, causes aggressive reactions to be increased slightly while simultaneously decreasing avoidance and escape reactions. Figure 2 is cited.

2. Phentolamine (another drug) decreases both aggression and avoidance-escape responses. (figure 3)

3. Atropine (another drug) reduces both aggression and escape avoidance response, though at intermediate doses the latter are more affected (Figure 4)

4. Insulin (another drug) causes marked increases in escape-avoidance compared to aggression (Figure 5)

5. The introduction of stress causes a marked shift in preference to alcohol vs. water (Figure 6)

6. Noxious stimulation directly causes a subject to take in large quantities of fluid (Figure 7).

7. The patterns of aggressive and escape-avoidance type reactions are similar for primates and humans (Figures 8, 9, 10) and these findings allow greater confidence in new testing methods.

Each of these specific findings are then discussed as they relate to one another and to other earlier findings. Additionally, the relevance and possible application of the findings are discussed.

Consider now how the Senator has described these findings. "NSF learned that monkeys become angry when they are shocked and would try to get away from the shock." This statement by Defendant Proxmire is totally unrelated to our statements of findings unless perhaps he is referring to statements in the second paragraph. That general statement by me, referring to work accomplished years previously with other funds. However, I have elaborated on this paragraph in paragraph one which says "Methods have been developed for the *simultaneous assay*

of *three* basic and separate motoric processes in several species including monkeys and man." I am describing the capability of *simultaneously testing* several behavioral processes very important for measuring the specific effect of a drug, as was stated in the next background paragraph. As stated, the Senator's comment makes it appear that I discovered the obvious.

The Senator's next statement says "In addition NSF was informed that drunk monkeys do not usually react as quickly or as often as sober monkeys. . . ."

To what could the Senator possibly be referring? In figure 1 and in introductory paragraph four of my report, Alcohol is shown to cause *less* of a *decrement* in aggression than escape-avoidance processes leaving a subject relatively more aggressive, quite the reverse of the Senator's statement. The way he has stated it makes it appear that I reported the obvious to NSF. Of course, he failed to note that we had discovered how stress can cause alcohol drinking by monkeys—something I did in fact find and reported to NSF (figure 6).

Finally, the Senator concluded by saying "that hungry monkeys get angry more quickly than well fed monkeys." Again, he makes it appear that I reported the obvious to NSF. Where could he possibly have thought he saw such a finding?

In the last paragraph of the second page, I stated "Over the last several years our work has recurrently shown that feeding schedule and food deprivation have pronounced affects upon emotional tendencies. *Until recently, we have not been in a position to assay precisely these effects.* During the past year. . . ." I then went on to describe that insulin administration caused "marked and differential increases in escape and flight tendencies while

having little effect until higher doses upon anger and aggressivity." Thus, what I actually reported was that insulin caused a *differential* increase in *nonaggressive* reactions.

In each and every case, the Senator has misstated my findings, typically reversed them, and falsely stated that I reported the obvious to NSF.

A final comment on this material is relevant. Note that the designation "Privileged Communication" is typed at the top of each page of the report. This is to alert the agency that the majority of the material has not yet been published and is therefore not to be released, a proper and normal request and routinely honored by agencies for such material disclosed in an interim progress report such as the present report.

Note that on Defendant's Exhibit 69, the "privileged communication" statements have been taped over.

In paragraph six of the press release, Senator Proxmire says "It is very interesting to trace the history of these extremely similar and perhaps duplicative projects." In the remainder of paragraph 6, 7, 8 the Senator makes recurrent statements and paraphrase the titles of several grants to create the impression that several agencies provided funds to conduct the same experiments. This is untrue. Inspection of each proposal shows that separate, unique experiments were suggested by us.

In the third sentence of paragraph 6, the Senator says "for two years Dr. Hutchinson studied the biting reactions of monkeys when they received electric shock." This statement fails to describe even minimally the breadth and depth of experiments conducted during that two-year period for the National Science Foundation. Reference

to Plaintiff's Exhibit 46 demonstrates five separate sections to the research being conducted. Pages 2-6 of the same exhibit enumerate and specify the variety of conditions to be tested.

In sentence four of paragraph six, Senator Proxmire states "he also compared their reactions while being given a number of different drugs such as alcohol and caffeine." This statement is untrue. Reference is made to pages 2-6 of exhibit 46, the research proposal to the National Science Foundation, and pages 1-6 of the progress report for the one-year period 1968, and the statement of progress in the renewal proposal to National Science Foundation, Exhibit 47.

In sentence five of paragraph six of the press release, the Senator states "in 1969 the NSF gave Dr. Hutchinson another $26,300 to continue these experiments. The implication that the same research proposed in 1967 was being given additional funds and that no new experiments were proposed is false. A comparison of the research proposed on pages 2-6 of Exhibit 46 and the research proposed on pages 4-11 of Exhibit 47 shows that separate and additional experiments were proposed and actually funded.

In the ninth paragraph of the press release, Senator Proxmire states in the first sentence "Dr. Hutchinson, who in addition to being Research Director at Kalamazoo State Hospital, is also an adjunct Professor at Western Michigan University and President of his own non-profit foundation for Behavior Research. . . ." Several inaccuracies in this statement may be noted. During the period in question and for the year previous to the release of this statement, I had not been affiliated with the Western Michigan University. Additionally, the non-profit foundation with which I am affiliated is entitled the Foundation for Behavioral Research.

In paragraph 11, sentence two, of the press release, Senator Proxmire states "in fact, the good doctor has made a fortune from his monkeys and in the process made a monkey out of the American taxpayer." This statement is false. First, I have not made a fortune from my research. As pointed out above, I have always been paid by the State of Michigan or one of its agencies. In the total period of research described by Defendant Proxmire's press release, I received a total of less than $15,000 in salary from the State of Michigan for summer research efforts over a four year period which was reimbursed from grant funds. Actually, the State of Michigan through one of its agencies, the Western Michigan University or the Michigan Department of Mental Health, actually released my time to conduct this research and thereby provided funds from its general revenues to these federal projects of approximately $100,000.

5. *Other Publications.*

I have reviewed the May, 1975 newsletter sent out by Senator Proxmire, the February, 1976 newsletter, the transcript of the Mike Douglas Show, and the summary of the Bob Barry Show. In each of these publications, Senator Proxmire has inaccurately, superficiously and falsely described my work in the two manners discussed in paragraph four above. First, the statements by Defendant Proxmire do not discuss the work that I have done as outlined in paragraph 4a. above. Secondly, the comments that are made by Senator Proxmire are false in that they inaccurately report the work done and findings obtained, as described in paragraph 4b. above.

6. I have discussed with my attorneys the possibility of taking the depositions of officials at the funding agencies (NSF, NASA, ONR and NIDA) to fully explore the cir-

cumstances surrounding the Defendant's contact with those agencies regarding my work, the informations released, the evaluations of my work, the evaluations of the statements made by the Defendants and other pertinent matters. I have considered the possible costs of taking the depositions in Washington, especially in view of the fact that the Defendant's legal expenses are being paid by the United States Senate (See Plaintiff's Exhibit 45) and he therefore has no incentive, as I do, to keep the legal expenses as low as possible. In view of the fact that my legal expenses have already exceeded my present ability to pay, and in view of my expectation of the great expense in taking the depositions in Washington, I have decided that I am not financially able to take the depositions at this early point in the litigation.

7. However, I have requested documents from the various agencies under the Freedom of Information Act. I hereby certify that the documents attached to this record as Plaintiff's Exhibits 13 through 31 are true and correct copies of some of the documents I have received from the federal agencies under the Freedom of Information Act.

8. I have maintained copies of the grant [research] proposals, project reports and other documents submitted to NSF, NASA, ONR and NIDA. Some of those documents are used as Exhibits to my Brief. I hereby certify that the documents provided as Plaintiff's Exhibits 46 through 96 are taken from my own records and are true and correct copies of the documents submitted to the agencies.

9. The news release issued by Senator Proxmire about April 18, 1975 resulted in newspaper stories in newspapers throughout the country. Some of the articles I have actually read and other articles have been mentioned

to me from time to time. I have maintained a file of some of those articles, and Plaintiff's Exhibits 32 through 43 are copies of such articles.

10. After publication of Senator Proxmire's news release of April 18, 1975, I received some mail. Plaintiff's Exhibit 44 is some of the hate letters I received.

11. In Section II-B of his Brief, Defendant Proxmire states that I was a "public official" because of my position at the Kalamazoo State Hospital. In fact, my power and authority at the hospital were very limited. I did not possess the power to personally hire or fire any subordinates. I did not and could not participate in any institution-wide administrative meetings, I lacked any program planning authority for directing the policies of the institution. Moreover, I had direct control over only ten or eleven employees, some of whom were only students working part time. At no time during my employment at Kalamazoo State Hospital did I exercise control over more than 19 employees. Consequently, I occupied a position of authority lesser than such other hospital employees as the Director of Domestic Services, the Power Plant Supervisor, the Nursing Ward Supervisors and the Maintenance Supervisor. Furthermore, my position was created when I came to the hospital, and abolished as soon as I left.

12. In his Brief and in his defamatory statements, Defendant Proxmire has stated and implied that I have personally received large sums of public grant money. These statements are false. During the four years from 1967 through 1970, I received a total of less than $15,000. That amount represented reimbursements to Western Michigan University to help defray the cost of my summer salaries over the four years in question. From 1971 through 1975, I did not personally receive any federal

research funds at all. All of the grants were awarded to the State of Michigan and were administered by persons outside of my department. This money was dedicated exclusively to purchasing equipment and supplies and to paying the wages of researchers other than myself. Thus, it is totally inaccurate to state that I was the direct recipient of these research grant funds. In fact, during the period in question, the only public funds that I received were contained in my salary as a State employee in the Michigan Civil Service.

13. On page 35 of his Brief, the Defendant refers to certain newspaper announcements concerning me and my work. Most of these announcements were solicited by the News and Publications Department of Western Michigan University. Specifically, the University's Psychology Department actively solicited information which might reflect favorably on the Department and the University. To facilitate this solicitation, the Department provided special forms for reporting "any item of news about your work that may be of sufficient interest to pass on to the news and information service."

14. According to a memo written by Dr. Fred Stollnitz on April 14, 1975, Defendant Schwartz told Dr. Stollnitz that I had "applied eight times to NIMH and had been turned down every time." This statement is false. All of my proposals to NIMH have not, in fact, been rejected. On the contrary, at least three of my grant proposals have been approved. These included a fellowship grant for research at Yale University and two other research proposals submitted on May 29, 1966 and June 19, 1972. Eventually, I withdrew the 1966 proposal because it was funded by the National Science Foundation. This withdrawal, however, came after NIMH had approved my proposal.

15. I believe that my experience with the National Science Foundation indicates the effect of the Defendant's interference with my contractual relations. Prior to being "fleeced" by the Defendant, I had submitted five research proposals to NSF for projects in which I was to be the principal investigator. Of these five proposals, four were approved. Subsequent to being fleeced, I have submitted two proposals to NSF, both of which have been rejected.

16. In my Amended Complaint, I have charged the Defendant with intentional infliction of mental anguish. There are many facts to support this claim. Specifically, I have experienced sleeplessness, high-blood pressure requiring medication, neurological problems in my left arm and leg, recurrent upset stomach, periods of withdrawal, embarrassment among my family, friends, colleagues and neighbors, a reversion to smoking after a five year period of abstinence, and a mental preoccupation which has interfered with my creative capacity. Furthermore, I have experienced great mental anguish upon the receipt of various items of "hate mail" which has been sent to me as a result of Defendant Proxmire's defamatory publicity.

Further Deponent sayeth not.

/s/ Ronald R. Hutchinson
Ronald R. Hutchinson

Subscribed and sworn to before me this 17th day of November, 1976.

/s/ Debra L. Fausett Miller
Debra L. Fausett Miller
Notary Public
Ingham County, Michigan

My Commission Expires: 6/13/77

AFFIDAVIT OF RICHARD SHANNON, DECEMBER 1, 1976, PLAINTIFF'S TRIAL EXHIBIT 7, U.S. D.C., WESTERN DIST. OF WISC.

STATE OF WISCONSIN)
: ss.
COUNTY OF MILWAUKEE)

RICHARD SHANNON, being first duly sworn, states:

1. I am the producer of the "Bob Barry Show." The "Bob Barry Show" is a morning radio show aired in Milwaukee, Wisconsin. The show consists of music and information. Records are played, the news is given, traffic reports are given and four telephone interviews are conducted during each show. On June 17, 1975, the "Bob Barry Show" was carried by WOKY Radio, Milwaukee, Wisconsin. The show is now carried by WEMP Radio, Milwaukee, Wisconsin.

2. On June 17, 1975, Senator William Proxmire was one of the persons interviewed on the "Bob Barry Show." On this show, Senator Proxmire discussed Dr. Rolland R. Hutchinson and the grants he received from the National Science Foundation, the National Aeronautics and Space Administration and Office of Naval Research, to study why rats, monkeys and humans clench their teeth. At the conclusion of each show, I summarize each of the interviews and keep a record of the summaries. Attached to this Affidavit as Attachment 1 is the Summary of the June 17, 1975 show that I prepared after the show and maintained in my records. Item number three is my summary of the interview with Senator Proxmire.

3. Attached to this Affidavit as Attachment 2 is a copy of a newspaper article from the National Tattler regarding Dr. Rolland R. Hutchinson and the funding of

his research work. This article is also taken from my file of the records of the June 17, 1975 show. This National Tattler article was used by me and by Bob Barry to formulate questions for Senator Proxmire on the June 17, 1975 show.

4. Normally, we keep tapes of the "Bob Barry Show." However, a tape of the June 17, 1975 show does not exist because of technical problems in taping it.

/s/ Richard W. Shannon
Richard W. Shannon

Subscribed and sworn to before me, a Notary Public, this 1st day of December, 1976.

/s/ (Illegible)
Notary Public, Milwaukee County, Wisconsin.

My Commission Expires: 2-17-80

APPLICATIONS FOR FEDERAL RESEARCH GRANTS BY OR UNDER THE DIRECTION OF RONALD HUTCHINSON, DEFENDANTS' TRIAL EXHIBIT 82B, U.S. D.C., WESTERN DIST. OF WISC.

AGENCY	DATE OF APPL. DATE REQUESTED	TITLE	YEARS OF PERFORMANCE	$ TOTAL	DATE OF REJECTION
HEW (Public Health Service)	6/24/76	Analysis & Chemical Control of Negative Effect	6/1/76 - 5/31/78	10,162	
HEW (Public Health Service)	3/1/76	Noxious Stimulus Caused Attack & Alcohol Intake	10/1/76 - 9/30/79	109,996	
HEW (P.H.S.) Nat'l. Inst. of Mental Health	1/29/76	Noxious Stimulus Caused Attack - Escape & Drug Intake	11/1/76 - 10/31/81	155,250	Pending - ltr. 6/25/76
HEW (P.H.S.)	5/14/75	Evaluation of Drugs of Abuse on Aggressive Behavior	1/1/76 - 12/31/78	130,224	
HEW (P.H.S.)	3/27/75	Environmental & Drug Effects on Attack & Drinking	11/1/75 - 10/31/78	76,091	
HEW (Nat. Inst. on Drug Abuse)	No Appl. Attached	Evaluation of Cocaine on Aggressive Behavior - 6 mo. continuation of ADM-45-74-163	* According to other applications, this proposal was accepted & support was given for 6/28/74 - 6/27/75		
HEW (P.H.S.)	6/15/73	Analysis & Chemical Control of Negative Affect	11/1/73 - 10/31/76	90,596	
HEW (P.H.S.)	9/28/73	Measurement of Jaw Clenching During Experimental Stress	5/1/74 - 4/30/76	77,203	
HEW (P.H.S.)	9/28/73	Aggression & CNS Reward-Aversion Systems	5/1/74 - 4/30/77	62,877	
HEW (P.H.S.)	9/27/72	Drug Effects Upon Hyprocarnal EEG & Behavior	5/1/73 - 4/30/75	33,114	
HEW (P.H.S.)	9/20/72	Relationships Between Amygdaloid EEG & Behavior	5/1/73 - 4/30/76	63,220	
HEW (P.H.S.)	9/20/72	Effects of Chemical Brain Stimulation on Aggression	5/1/73 - 4/30/75	30,692	

2.

AGENCY	DATE OF APPL. DATE REQUESTED	TITLE	YEARS OF PERFORMANCE	$ TOTAL	DATE OF REJECTION
HEW (P.H.S.)	1/26/72	Environmental Causes of Aggression (Attached is a proposal for research on same subject) Renewal req. for Grant GB-18413 - desired starting date 2/1/72	9/1/72 - 8/31/75	95,759	
HEW (P.H.S.)	1/23/71	Epileptogenic Properties of the Amygdaloid Complex	9/1/71 - 8/31/73	56,944	
HEW (P.H.S.)	9/28/70	Neural Controls Over Aggressive Behavior	5/1/71 - 4/30/74	46,521	
HEW (P.H.S.)	6/29/70	Attack Behavior in Encephale Isole Preparation	1/1/71 - 12/31/71	4,973	
HEW (P.H.S.)	9/20/68	Environmental & Physiological Causes of Aggression (Attached are 3 proposals on same subject) Desired starting dates: 1/1/67; 1/1/70; 2/1/72	1/1/69 - 12/31/74	166,274 + indirect costs	
HEW (P.H.S.)	9/29/69	Aggression in Animals & Man	3/1/70 - 2/28/75	172,779 + indirect costs	
HEW (P.H.S.)	2/26/68	Effects of Non-Contingent Reward & Punishment (Attached is proposal on same subject) desired starting date: 9/1/67	5/1/68 - 4/30/69	5,981	
HEW (P.H.S.)	9/20/63	Aggressive & Avoidant Reactions to Aversive Stimuli	9/1/64 - 8/31/65	27,413	
NASA	12/5/75 11/15/74 12/1/73 10/20/72 Undated initial proposal	The Measurement & Facilitation of Cooperative Task Performance No application - series of 5 proposals - initial proposal and 4 requests for continuations	2/1/76 - 1/31/77 2/1/75 - 1/31/76 2/1/74 - 1/31/74 1/1/73 - 12/31/73 7/1/71 - 6/30/72	25,003 34,999 not mentioned " "	Applicant did receive NASA support for at least some of these proposals according to other applications
Office of Criminal Justice Programs	8/20/70	Effects of Marijuana & Amphetamines on Human Aggression	10/70 - 10/71	21,600	

3.

AGENCY	DATE OF APPL. DATE REQUESTED	TITLE	YEARS OF PERFORMANCE	$ TOTAL	DATE OF REJECTION
Nat. Science Foundation	5/7/76	Noxious Stimulus Caused Attack & Alcohol Intake	1/1/77 - 1/1/80	166,760	
NSF	10/4/72	The Effects of Delta-1-THC on Aggression & Escape	4/1/73 - 3/30/75	35,984	
NSF	4/6/71	Epileptogenic Properties of the Amygdaloid Complex	9/1/74 - 8/31/76	64,983	
Dept. of Defense		The Contingent Control of Human Anger			3/72
AMA - Ed. & Research Found.	3/24/72	The Laboratory Analysis of the Stress Reductant & Correlated Abuse Potential of Drugs	5/1/72 - 4/30/75	91,568	
AMA	8/27/70	Psychophysiological Aspects Cigarette Deprivation	12/1/70 - 11/31/72	28,719	
Nat. Safety Council	12/1/69	Determinants & Reductants of Human Aggression			
The Council for Tobacco Research USA Inc.	7/13/76	Effects of Acute & Chronic Nicotine Administration Upon Aggression & Blood Pressure Reactions in Rats & Humans	1/1/77 - 12/31/79	106,663	
"	9/22/72	The Blood Pressure Reductant Effect of Nicotine	1/1/73 - 12/31/73	14,030	
		The Development of Sustained Attack Behavior	3/1/68 - 2/28/71	73,975	According to another appl. he received support from the ONR for this project
DOT/FAA	5/14/76	Laboratory Studies of Effects of Various Recorded Flyover Noises on Listeners		110,124	

4.

AGENCY	DATE OF APPL. DATE REQUESTED	TITLE	YEARS OF PERFORMANCE	$ TOTAL	DATE OF REJECTION
DOT	5/19/76	Pharmokenetics of Drug Effects on Driving Performance (attached proposal dtd. 5/21/71)	3 yrs.	547,020	
Unidentified		Effect of Cigarette Smoking Interruption & Resumption on Aggression Levels in Humans	(Attachment states "Philip Morris approved 12/69")		
Unidentified	4 proposals	Causes & Control of Aggression in Man	1/1/74 - 12/31/74 3/1/73 - 12/31/73 3/1/72 - 2/28/73 3/1/71 - 2/28/74		

Applications for U.S. Funding, TOTAL ESTIMATE $4,738,822

(Exhibits b & c)

MISSING APPLICATIONS AND PORTIONS THEREOF, DEFENDANTS' TRIAL EXHIBIT 82C, U.S. D.C., WESTERN DIST. OF WISC.

Agency	Name (or #) + Dates (if any)	$ Amount + date Submitted (S) or Rejected (R)	Missing Portions
HEW	Environmental & Physiological Causes of Aggression	144,285 6/1/66 (S)	All
HEW	(No name known)	152,017 2/8/67	All
ONR	The Development of Sustained Attack Behavior (included in Req. 10 as an approved contract)	77,586 2/68 (S) 2/2/68 (R)	
NSF	Amygdaloid EEG-Behavior Relationship	76,381 3/1/73 (S) 3/8/73 (R)	All
NSF	The Effects of Chemical Brain Stimulation on Aggressive Behavior	37,137 9/26/72 (S) 3/8/73 (R)	All
NSF	Drug Effects Upon Hippocampal EEG and Behavior	39,127 3/1/73 - 75	All
NSF	Aggression & CNS Reward Aversion System	62,877 5/1/74 - 77 10/73 (S) 2/13/74 (R)	All
NSF	Environmental & Physiological Causes of Aggression	1/70 - 12/72	All
ONR	The Measurement & Facilitation of Cooperative Task Performance	85,851 9/71 - 6/72 5/17/71 (R) 4/71 (S)	Rejection
NSF	Environmental & Physiological Causes of Aggression	120,611 2/1/72 - 1/31/75 8/23/71 (S) 11/15/71 (R)	All
NSF	Environmental Causes of and Pharmacological Influence Upon Aggression in Man	114,723 11/1/75 - 10/31/78 11/20/75 (R)	All
NIDA	Pharmokinetics of Drug Effects on Driving	547,020 5/21/76 (3 yrs)	All
NIH	Epileptogenic Properties of the Amygdaloid Complex	59,944 9/71 - 8/73	All
NIH	Effects of Noncontingent Reinforcement & Punishment	152,017 9/67 - 8/72	Total Appl. w/$ amount
HEW	Analysis of Noxious Stimulus Produced by Alcohol Intake	82,971 5/74 - 4/77 9/28/73 (S)	All
NIMH	Aggression & CNS Award Aversion Systems (Critique 3/22/74)	62,877 5/74 - 77	Critique
NIH	Aggression in Animals & Man (Critique 6/30/70)	180,891 1/70 - 75 6/29/70 (R)	Critique & Rejection

- 2 -

Agency	Name (or #) + Dates (if any)	$ Amount + Date Submitted (S) or Rejected (R)	Missing Portions
	Physiological Changes During Conflict	5,050	All
Phillip Morris	Effect of Cigarette Smoking Interruption & Resumption or Aggression Levels in Humans		Appl. & $ amt.
NASA	The Measurement & Facilitation of Cooperative Task Performance		Appl. & $ amt.
DOD	The Contingent Control of Human Anger	3/72 (R)	Appl. & $ amt.
ONR	Causes & Control of Aggression in Man		Appl. & $ amt.

RONALD R. HUTCHINSON CONTRACTS AND GRANTS WITH U.S. AGENCIES, DEFENDANTS' TRIAL EXHIBIT 83, U.S. D.C., WESTERN DIST. OF WISC.

Agency	Dates	Title	Contract No.	Amount
NSF	1-67 - 1-69	Environmental & Psysiological Causes of Agression	B70194R	40,000
NSF	10-69 - 1-31-72	Environmental & Physiological Causes of Agression	GB18413	51,200
NSF	1-68 - 2-69		GB5980	44,700
NSF	2-69 - 1-31-70		GB8535	26,300 4,700
NSF	5-72 - 10-75	Enviornmental Causes of Agression	BMS72-0218 (formerly GB-33620X)	51,800
NASA	1968 - 1970	Basic Animal Research		34-40,000
NASA	2-72 - 8-72	The Measurement & Facilitation of Cooperative Task Performance	NGR23-014-002	40,000
NASA	8-72 - 2-73		Supp #1	36,000
NASA	2-73 - 2-74		Supp #2	70,000
NASA	2-74 - 2-75		Supp #3	50,000
NASA	2-75 - 2-76		NSG2070	34,999
NASA	2-76 - 2-77		Supp. #1	25,003
ONR	3-69 - 3-70	Causes & Control of Human Aggression	N00014-69-C-0253	29,568
ONR	3-70 - 2-71		N00014-70-A	30,000
ONR	3-71 - 2-72		0183-001	34,960
ONR	3-72 - 2-73			37,957
ONR	3-73 - 2-74			40,172
ONR	3-74 - 2-75			34,829
ONR	2-75 - 8-75		PR-NR-201-068	29,955
NIDA	6-74 - 6-75	Evaluations of Cocaine on Agression	45-74-163	86,660
NIDA	6-75 - 12-75	Evaluations of Cocaine on Agression	271-75-3075	54,800
	3-76			11,338
NIMH	6-75 - 5-78	Analysis & Chemical Control of Negative Effect	G-1-R01	11,600
		Total U.S. Government Funds		$917,441

PUBLICATIONS BY RONALD R. HUTCHINSON SUPPORTED BY GOVERNMENT GRANTS, DEFENDANTS' TRIAL EXHIBIT 84, U.S. D.C., WESTERN DIST. OF WISC.

Date	Publication	Title of Article	Grant
Jan. 1968	Journal of the Experimental Analyses of Behavior (JEAB)	Effects of Shock Intensity & Duration on the Frequency of Biting Attack by Squirrel Monkeys	NSF - GB-5980 - Environmental & Physiological Causes of Aggression
Jul. 1968	JEAB	Attack Produced by Intermittent Reinforcement of a Concurrent Operant Response	NSF - GB5980
Sep. 1968	JEAB	Biting Attack by Rats in Response to Aversive Shock	NSF-GB5980
Summer 1970	Michigan Mental Health Research Bulletin (MMH)	Electrical Activity of the Amygdala & Hippocamus During Biting	NSF/ONR "Causes & Control of Aggression in Man"
Fall 1970	MMH	Aggression: Effects of Acute & Chronic Morphine	NSF/ONR
Spring 1971	MMH	The Behavioral Basis of Action of Tranquilizers	NSF/ONR
1971	APA "Proceedings".	Similar & Selective Actions of Chlorpromazine, Chloridazepoxide, & Nicotine on Shock-Produced Aggressive & Anticipatory Motor Responses in the Squirrel Monkey	NSF-18413 Environmental & Phys. Cause of Aggression NASA-NGR-23-014-001 "The Measurement & Facilitation of Cooperative Task Performance" ONR-N00014-70-A-0183-001 Causes & Control of Aggression in Man Phillip Morris
Winter 1971	MMH	Epileptiform Activity in the Basolateral Amygdala Related to Aggression	NSF ONR
Mar. 1971	JEAB	Effects of Long-Term Shock & Associated Stimuli on Aggressive & Manual Responses	NSF GB-5980 GB-8535 ONR N00014-69-C0253 NASA-NGR 23-010-004

Date	Publication	Title of Article	Grant
1972	Life Sciences Vol. II Pergamon Press	Basis of Behavioral Influence of Chlorpromazine	NSF GB-38413, GB-8535 NASA NGR 23-014-001 ONR N00014-70-A-0183-0001
1972	Physiology & Behavior, Vol. 9 Brain Research Publications Inc.	Electrographic Changes in the Amygdala & Hippocampus Associated w/Biting Attack	NSF 8535
1972	Schedule Effects Drugs, Drinking, & Aggression Voj Toronto Press	& Schedule Independent Factors Contributing to Schedule Induced Phenomena	ONR-N00014-70A-0183 NSF GB-18413 NASA NGR-23-010-004
1972	Nebraska Symposium on Motivation	The Environmental Causes of Aggression	NSF GB-18413 ONR N-00014-70-A-0183-0001 NASA - NGR-23-010-004
1973	Smoking Behavior, Motives & Incentives V.H. Winston	Effects of Nicotine on Avoidance, Conditioned Suppression & Aggression Response Measures in Animals & Man	ONR N00014-70-A-0183-0001 NASA NGR 23-010-004 NSF GB-18413 Phillip Morris

ORDER OF U.S. DISTRICT COURT FOR THE WESTERN DISTRICT OF WISCONSIN GRANTING SUMMARY JUDGMENT TO MOTION OF DEFENDANT PROXMIRE, DECEMBER 23, 1976

Name of Presiding Judge,

Honorable GEORGE N. LEIGHTON

Cause No. 76 C 257 Date 12-23-76

Title of Cause RONALD R. HUTCHINSON v. WILLIAM PROXMIRE AND MORTON SCHWARTZ

Brief Statement of Motion Ruling on motion for summary judgment

The rules of this court require counsel to furnish the names of all parties entitled to notice of the entry of an order and the names and addresses of their attorneys. Please do this immediately below (separate lists may be appended).

Names and Addresses of moving counsel .....

Representing .....

Names and Addresses of other counsel entitled to notice and names of parties they represent. .....

/s/ Leighton, J.

Reserve space below for notations by minute clerk

Motion of the defendant William Proximre to dismiss the plaintiff's suit, or in the alternative, for summary judgment. The ruling will be in the alternative motion for summary judgment under Rule 56, Federal Rules of Civil Procedure. On or before the 27th day of January 1977 the court will file a memorandum stating the reasons for its ruling. The order entered this day shall not be

final until the memo is filed, on said date summary judgment will be entered in favor of the defendant William Proxmire

Hand this memorandum to the Clerk.

Counsel will not rise to address the Court until motion has been called.

ORDER EXTENDING TIME FOR FILING OF OPINION IN SUPPORT OF GRANT OF SUMMARY JUDGMENT MOTION OF DEFENDANT PROXMIRE, U.S. DISTRICT COURT FOR THE WESTERN DISTRICT OF WISCONSIN, JANUARY 27, 1977

Name of Presiding Judge,

Honorable GEORGE N. LEIGHTON

Cause No. 76 C 257 Date 1-27-77

Title of Cause RONALD R. HUTCHINSON v. WILLIAM PROXMIRE AND MORTON SCHWARTZ

Brief Statement of Motion Order

The rules of this court require counsel to furnish the names of all parties entitled to notice of the entry of an order and the names and addresses of their attorneys. Please do this immediately below (separate lists may be appended).

Names and Addresses of moving counsel .....

Representing .....

Names and Addresses of other counsel entitled to notice and names of parties they represent .....

/s/ Leighton, J.

Reserve space below for notations by minute clerk

On motion of the court, the date for the filing of the court's Memorandum is extended to on or before April 27, 1977. (see order for complete details)

Hand this memorandum to the Clerk.

Counsel will not rise to address the Court until motion has been called.

RULING OF JUDGE LEIGHTON, U.S. DISTRICT COURT FOR THE WESTERN DISTRICT OF WISCONSIN, GRANTING SUMMARY JUDGMENT MOTION OF DEFENDANT PROXMIRE, APRIL 22, 1977

Name of Presiding Judge,

Honorable George N. Leighton

Cause No. 76-C-257 Date April 22, 1977

Title of Cause Ronald R. Hutchinson v. William Proxmire and Morton Schwartz

Brief Statement of Motion Ruling on Motion for Summary Judgment

The rules of this court require counsel to furnish the names of all parties entitled to notice of the entry of an order and the names and addresses of their attorneys. Please do this immediately below (separate lists may be appended).

Names and Addresses of moving counsel .....

Representing .....

Names and Addresses of other counsel entitled to notice and names of parties they represent. .....

/s/ Leighton, J.

Reserve space below for notations by minute clerk

In accordance with the Memorandum of the court filed this day, Summary Judgment is entered in favor of defendant Senator William Proxmire and against the plaintiff Dr. Ronald R. Hutchinson. Plaintiff is served notice that within 30 days, on its initiative, the court will dismiss this suit as to the remaining defendant Morton Schwartz unless plaintiff makes a showing within that time that such dismissal should not be ordered

Hand this memorandum to the Clerk.

Counsel will not rise to address the Court until motion has been called.

OPINION OF JUDGE LEIGHTON

Opinion of Judge Leighton, U. S. District Court for the Western District of Wisconsin, Granting Summary Judgment Motion of Defendant Proxmire, Including the Appendix thereto, Dated April 22, 1977, may be found at pages 26 through 67 of the Petition for Writ of Certiorari.

MEMORANDUM OPINION OF JUDGE LEIGHTON, U.S. DISTRICT COURT FOR THE WESTERN DISTRICT OF WISCONSIN, DISMISSING ACTION AS TO DEFENDANT SCHWARTZ, JUNE 22, 1977

Name of Presiding Judge, Honorable George N. Leighton, sitting by designation in the Western District of Wisconsin

Cause No. 76 C 257 Date 6-22-77

Title of Cause Ronald R. Hutchinson v. William Proxmire and Morton Schwartz

Brief Statement of Motion Motion to Dismiss as to Defendant Morton Schwartz

The rules of this court require counsel to furnish the names of all parties entitled to notice of the entry of an order and the names and addresses of their attorneys. Please do this immediately below (separate lists may be appended).

Names and Addresses of moving counsel .....

Representing .....

Names and Addresses of other counsel entitled to notice and names of parties they represent. .....

/s/ Leighton, J.

Reserve space below for notations by minute clerk

In the memorandum filed in this cause on April 22, 1977, this court notified plaintiff that it was considering dismissing the suit as to defendant Schwartz because on the facts alleged a claim had not been made on which relief could be granted. Plaintiff has filed a memorandum opposing the dismissal. Defendant Schwartz has filed an answer to plaintiff's opposition. Plaintiff has filed a reply to defendant Schwartz' answer. After consideration of the parties' statements, the court finds that the amended complaint fails to state a claim on which relief can be granted against defendant Schwartz. Therefore, the suit is dismissed.

Hand this memorandum to the Clerk.

Counsel will not rise to address the Court until motion has been called.

JUDGMENT OF U.S. DISTRICT COURT FOR THE WESTERN DISTRICT OF WISCONSIN, JULY 7, 1977

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

CIVIL ACTION FILE NO. 76-C-257

Ronald R. Hutchinson,
Plaintiff,

vs.

William Proxmire and Morton Schwartz,
Defendants.

JUDGMENT

This action came on for (hearing) before the Court, Honorable George N. Leighton, United States District Judge, presiding, and the issues having been duly (heard) and a decision having been duly rendered,

It is Ordered and Adjudged that this action is hereby dismissed with prejudice and with costs to the defendants.

Dated at Madison, Wisconsin, this 7th day of July, 1977.

/s/ (Illegible)
Clerk of Court

OPINION OF U.S. COURT OF APPEALS

Opinion of U.S. Court of Appeals for the Seventh Circuit, Including the Appendices thereto, Dated June 30, 1978, may be found at pages 68 through 88 of the Petition for Writ of Certiorari.

JUDGMENT, U.S. COURT OF APPEALS FOR THE SEVENTH CIRCUIT AFFIRMING THE DECISION OF THE U.S. COURT FOR THE WESTERN DISTRICT OF WISCONSIN, JUNE 30, 1978

UNITED STATES COURT OF APPEALS
For the Seventh Circuit
Chicago, Illinois 60604

June 30, 1978.

Before
Hon. LATHAM CASTLE, Senior Circuit Judge
Hon. HARLINGTON WOOD, JR., Circuit Judge
Hon. WILLIAM G. EAST, Senior District Judge*

Nos. 77-1677 & 77-1755

RONALD R. HUTCHINSON,
Plaintiff-Appellant,

vs.

WILLIAM PROXMIRE and MORTON SCHWARTZ,
Defendants-Appellees.

Appeal from the United States District Court for the Western District of Wisconsin.
No. 76-C-257

GEORGE N. LEIGHTON, Judge

These causes came on to be heard on the transcript of the record from the United States District Court for the Western District of Wisconsin, and were argued by counsel.

On consideration whereof, it is ordered and adjudged by this court that the judgments of the said District Court in this cause appealed from be, and the same are hereby, AFFIRMED, with costs, in accordance with the opinion of this Court filed this date.

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*Honorable William G. East, Senior United States District Judge for the District of Oregon, is sitting by designation.

ORDER, U.S. COURT OF APPEALS FOR THE SEVENTH CIRCUIT, DENYING PETITION FOR REHEARING AND EN BANC, JULY 26, 1978

UNITED STATES COURT OF APPEALS
For the Seventh Circuit
Chicago Illinois 60604

July 26, 1978.

Before
Hon. LATHAM CASTLE, Senior Circuit Judge
Hon. HARLINGTON WOOD, JR., Circuit Judge
Hon. WILLIAM G. EAST, Senior District Judge*

Nos. 77-1677 and 77-1755

RONALD R. HUTCHINSON,
Plaintiff-Appellant,

vs.

WILLIAM PROXMIRE and MORTON SCHWARTZ,
Defendants-Appellees.

Appeals from the United States District Court for the Western District of Wisconsin.
No. 76-C-257

George N. Leighton, Judge

On consideration of the petition for rehearing and suggestion for rehearing *in banc* filed in the above-entitled cause by counsel for the appellant, no judge in active service has requested a vote thereon, and all of the judges on the original panel have voted to deny a rehearing. Accordingly,

IT IS ORDERED that the aforesaid petition for rehearing be, and the same is hereby, DENIED.

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*Hon. William G. East, Senior District Judge for the District of Oregon, is sitting by designation.